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By Francis Maseres, Attorney
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OCCASIONAL ESSAYS

ON VARIOUS SUBJECTS,

CHIEFLY

POLITICAL AND HISTORICAL.

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OF VARIOUS SUBJECTS

BY

POLITICAL AND HISTORICAL

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OCCASIONAL ESSAYS

ON VARIOUS SUBJECTS,

CHIEFLY

POLITICAL AND HISTORICAL;

EXTRACTED PARTLY FROM

THE PUBLICK NEWSPAPERS,

DURING THE PRESENT REIGN,

AND PARTLY FROM

T R A C T S

PUBLISHED IN THE REIGNS OF

QUEEN ELIZABETH, KING CHARLES I., KING CHARLES II.,

AND FROM

BISHOP BURNET'S HISTORY OF HIS OWN TIMES.

Maseres.

LONDON:

PRINTED BY ROBERT WILKS, IN CHANCERY-LANE;

AND SOLD BY JOHN WHITE, BOOKSELLER, IN FLEET-STREET

1809.

OCASIONAL ESSAYS

BY THE AUTHOR OF "THE HISTORY OF THE UNITED STATES"

IN TWO VOLUMES

VOLUME I

NEW YORK: PUBLISHED BY J. B. ALLEN, 1847.

PRINTED BY J. B. ALLEN, 1847.

THE HISTORY OF THE UNITED STATES, IN TWO VOLUMES, BY J. B. ALLEN, 1847.

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THE
PREFACE.

THE Volume here presented to the Publick, consists of several different tracts, relating mostly to Political and Historical subjects and events, that have occurred in the course of the last fifty years, and which have already been printed, either in some of the Publick Newspapers, or in separate Pamphlets or larger Works, (some of which are grown scarce and difficult to be met with,) and partly, of some tracts of a more antient date, (relating also to the subjects of History and Politics,) published in the times of Queen Elizabeth and Charles the I. and Charles the II. and in the beginning of the last, or eighteenth, century: and amongst these the reader will find the excellent tract of the celebrated John Milton, on the Liberty of the Press, intitled, *Areopagitica; A speech for the liberty of unlicensed printing*, addressed to the Lords and Commons of England, in November 1644; which I have never met-with in a separate pamphlet, and which is, I believe, hitherto to be found only in the general collections of Milton's Prose-works. There are also in this volume some interesting papers on the late trade to Africa for Negroe-slaves, and a valuable extract from a work of Mr. John Harriott, in support of the Justice and Wisdom of the late abolition of it, by Act of Parliament; which is a measure con-

cerning which it is only to be lamented, that it was not adopted ten or twelve years sooner. There are also some papers concerning the late unhappy dispute with our Colonies in North America, which ended with our loss of them, and which, (by the great debt which the late King of France incurred, by the assistance he gave to the revolted colonies in that contest, and which the French Nation were unwilling to discharge,) has since been the principal cause of the dreadful Revolution in France, in 1789, and of the subsequent destruction of most of the Governments in Europe, by the victories of its present formidable ruler. These are some of the principal Topicks to which the papers here collected relate, and I have therefore given them the title of *Occasional Essays on different subjects, chiefly Political and Historical*. I will now proceed to set-down the separate titles of them, and the pages of the Volume, in which they are to be found, in their regular order, as follows.

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Extracted from Bishop Burnet's History of his Own Times, Vol. 2, of the Octavo edition, from page 432 to page 453.

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NUMBER XL.

The Papists Bloody Oath of Secrecy, and Litany of Intercession for England; with the manner of their taking the Oath, upon their entering into any grand Conspiracy against the Protestants; as it was taken in the Chapel, belonging to *Barnbow-Hall*, the residence of *Sir Thomas Gascoigne*, from William Rushton, a Popish Priest.

By ROBERT BOLRON, Gentleman.

Die Jovis, 16 Decembris, 1680.

Ordered, That Mr. Robert Bolron have Liberty from this

House, to print and publish the said *Oath of Secrecy and Litany*.

London, Printed in the year 1680. Reprinted for S. Slow, and Sold over-against Saint Clement's Church in the Strand, in 1745.

In pages 531, 532, 533,—556.

NUMBER XLI.

ROME, a great Custom-house for Sin; or a Table of the Dispensations and Pardons, for Villainies and Wickednesses of various kinds, &c. With the several sums of money, given and to be paid for them.

By Anthony Egane, B. D. sometimes Confessor-Generall of the kingdom of Ireland; who was both a Spectator of, and Actor in, those horrible abuses, before his Conversion to the Protestant Religion.

And now, [in the year 1715,] reprinted, [being the Fifth Edition,] for the Benefit of such as either have themselves, or would induce others to have, too favourable thoughts of Popery.

To which is now [in 1715,] added an earnest dissuasive from Romish Idolatry and Superstition: wherein other gross Enormities are clearly detected.

London: Printed for John Marshall, at the Bible in Grace-church Street; Joseph Marshall, at the Bible in Newgate Street; and Ferd. Burleigh, in Amen Corner, 1715.

In pages 557, 558, 559,—607.

OCCASIONAL ESSAYS

ON

POLITICAL SUBJECTS.

ON THE EXCLUSION OF MR. JOHN WILKES FROM HIS
SEAT IN THE HOUSE OF COMMONS, AS MEMBER FOR
THE COUNTY OF MIDDLESEX, AFTER HIS EXPULSION
AND RE-ELECTION.

To the Printer of the PUBLIC ADVERTISER.

SIR,

March 16, 1771.

I CANNOT help being strongly of opinion that an Act of Parliament to the following purport would tend greatly to allay the discontents that have prevailed among the people ever since the Middlesex election : and therefore I beg you would insert the following draft of such a bill in your paper. The advantages that, I conceive, would arise from it are as follows.

In the first place, it would secure the rights of the Electors of Great Britain to chuse their own representatives, from being controuled on any future occasion by the negative of a majority of the House of Commons, exercised under the form of an expulsion from that House for some vague and arbitrary crime, or defect, in the object of their displeasure, unknown to, and undefined by, the known laws of the land,

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and

and not proved with the strictness and solemnity that are deemed necessary to the conviction and punishment of an offence of the slightest nature in our criminal courts of justice. The apprehension of the possibility of such proceedings in time to come, is what alarms the generality of impartial people rather than an opinion that this power was really so abused in the case of Mr. Wilkes and the Middlesex election. To remove this apprehension is therefore an object of the last importance.

In the next place, such an act of parliament would confirm all the proceedings of the House of Commons with respect to Mr. Wilkes on the rational and substantial ground of his being under a temporary incapacity of being elected a member of parliament, arising from the circumstance of his being then in prison, in execution of a sentence of the court of King's Bench, and consequently unable to attend his duty in parliament; and, by so confirming the proceedings of the Commons, it would entirely preserve their honour and dignity, and make it unnecessary that they should recede from any of their resolutions.

I am sensible, however, that it may here be objected that one of their resolutions, namely, the important resolution of Mr. Wilkes's incapacity to be a member of parliament, made on the 17th day of February, 1769, and which is expressed in the words following, to wit,

“Resolved,

“That John Wilkes, Esquire, having been in this session of parliament expelled this House, was and is incapable of being elected a member to serve in this present parliament,” may at first sight seem to be contradicted and overruled by the provisions of the annexed act of parliament: but, upon a closer examination of it, it will be found to be capable of a construction that is consistent with
those

those provisions, and even that this construction is the true and proper construction that ought to be given to it. This I shall now endeavour to prove.

The judgments of every court of justice ought, if the words in which they are expressed will bear it, to be construed in such a manner as to make them adequate and commensurate to the points then under consideration in such courts, and to the authority legally vested in the Judges by whom they are pronounced, rather than in such a manner as will make them extend to cases not then under consideration, and which the judges therefore have not, perhaps, on such occasions a competent authority to determine.— This, I presume, will readily be allowed; and, being so, we must, in the next place, observe, that the House of Commons, when they passed that resolution, were acting in a judicial, and not in a legislative, capacity: they were determining whether, according to the laws then in being, Mr. Wilkes, who had been chosen knight of the shire for Middlesex on the preceeding day, the 16th day of February, 1769, was entitled, by virtue of that election, to sit and vote as a member of that House. They did not pretend to a power of making him incapable of sitting there by an *ex post facto* resolution, if he was legally capable of being elected to sit there at the time of such election; but only, as the proper judges of the validity of all parliamentary elections, to a power of declaring “ what the law then was respecting his capacity to be so elected:” they therefore had no right to consider, nor to give judgment upon, any other point, but that of his capacity to be elected a member of parliament for the county of Middlesex, on the said 16th day of February, 1769. No other point was judicially before them: and, if they had clearly and expressly resolved, that Mr. Wilkes was not only then incapable of being elected a member of parliament, but that such incapacity would continue in him during this whole parliament, they would,

in this second part of such resolution, have acted in an extrajudicial manner, and without a competent authority; and such a decision would have been entitled to but little regard either from themselves on any subsequent occasion, or from any other person. But this they have not done in their resolution of the 17th of February, 1769, above recited, though at first sight it may seem to carry that meaning; for the words of it are, "that he was and is incapable of being elected a member to serve in this present parliament; that is, as I conceive, he was at the time of his election on the preceding day, the 16th of February, 1769, and is at the time then present, namely, the 17th day of February, incapable of being elected a member of parliament. It does not say that he shall or will continue so during the whole continuance of this parliament, which was a point not then under consideration.

As to the words, "having been in this session of parliament expelled this House," which immediately precede the words that declare his incapacity, they are introduced only by way of recital, and are not said to be the ground of the subsequent adjudication of incapacity, and need not necessarily be understood so; but they ought rather to be considered as a short reference to the grounds and reasons upon which he was expelled, some of which were likewise causes of an incapacity to be elected; and so the meaning of the whole resolution will be as follows: "Whereas Mr. Wilkes was expelled from the House of Commons in this session of parliament, to wit, on the 3d of February, 1769, upon divers good and sufficient grounds and reasons, some of which were not only good grounds for expelling him, but did really and truly, if they had been properly attended to, render him incapable of being legally elected a member of this parliament; and whereas these reasons, that thus rendered him incapable of being legally elected a member of parliament, do still subsist; it is therefore resolved and adjudged

adjudged by this House, that he was at the time of his last election, to wit, on the 16th day of February, 1769, and still is at this present time, to wit, on the 17th of February, 1769, incapable of being elected a member to serve in this present parliament."

This seems to me to be a reasonable construction of this famous resolution: and if the words of it will bear this sense, as I flatter myself I have shown they will, it is surely better to understand them in this manner than to interpret them in the other manner above-mentioned, and thereby to make them, by construction, contain a dangerous and extra-judicial resolution of the House of Commons in a matter of such high importance, which would be no way suitable to the dignity of the House, or to the character of wise and considerate judges that were giving a judicial determination of the point that was then before them.

Now, if this mild and inoffensive interpretation of this resolution be allowed to be just, there will be nothing in the act of parliament here recommended in any degree contrary to this or any other of the resolutions of the House of Commons upon this subject. This is a second advantage in the bill here proposed.

A third advantage arising from it would be the removing of all the ridiculous doubts and opinions that have been entertained concerning the capacity of an Outlaw to sit and vote in parliament; notwithstanding he is a creature that, as Mr. Wilkes has well observed, has no political existence, but is liable to have all his goods and chattels, and the rents and profits of his lands, taken into the king's hands, as forfeited to his Majesty by the outlawry, and his body kept in prison during life. No well-wisher to the liberties of his country would, I presume, desire to see the representatives of the Commons of this kingdom composed of persons in such dependent circumstances.

And if, after such an act of parliament, colonel Luttrell

should think proper to vacate his seat in parliament by accepting the stewardship of the Chiltern Hundreds, and Mr. Wilkes, now that his outlawry has been reversed, and his consequent Incapacity to sit in Parliament has been removed, should again stand for the county of Middlesex, and again be chosen their representative by a great majority, (as I trust and hope he would;) and should be permitted to take his seat in the House in consequence of such new election, I conceive that the whole transaction would do his Majesty's ministers great honour, give general satisfaction to the people, and, in short, prove a happy means of reconciling men's minds to government, and of winding-up this unlucky business that has kept the whole nation in a ferment, and soured our old English good-humour for more than two years past.

I am, Sir,

Your humble Servant,

IRENICUS.

Draft of an Act of Parliament to disable Outlaws and Persons legally confined in Prison from being chosen Members of the Commons House of Parliament; and to secure to the Freeholders and other Electors of Great Britain their Right of free Election, notwithstanding any antecedent Expulsion of the Persons they shall elect for their Members.

WHEREAS certain doubts have arisen, and may arise, concerning persons confined in prison in execution of the judgements of a court of law, or for other just and lawful causes, and likewise concerning persons outlawed, whether they

they are capable of being elected to sit and vote in parliament as members of the Commons House of parliament : and whereas it would be highly inconvenient and prejudicial to the publick business transacted in the said House of parliament that such persons should be chosen members of it, because they would not be able to attend their duty in the same ; and the counties, cities, and boroughs, for which they should be chosen, would thereby be unrepresented in parliament during the continuance of such impediment to their attendance ; it is therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present parliament assembled, that no person outlawed in due course of law, either upon a criminal or a civil prosecution, nor any person legally confined in prison in execution of any judgement of a court of justice, ought at any time heretofore to have been deemed, or shall at any time hereafter be deemed, to be capable of being elected to serve in the British House of Commons, as a member thereof, for any county, city, or borough, in either England, Wales, or Scotland, during the continuance of such outlawry or legal confinement. Any custom, resolution of the House of Commons, precedent, or opinion, or other thing, to the contrary hereof in any wise notwithstanding

And whereas great discontents have arisen in the minds of many of his Majesty's faithful subjects on account of a resolution of the Commons House of parliament passed on the 17th day of February, in the year of our Lord 1769, declaring John Wilkes, Esq. who had, on the 28th day of March, in the year 1768, been duly chosen and returned a knight of the shire to serve in this present parliament for the county of Middlesex, and afterwards on the 3d day of February, in the year 1769, had been expelled from the said Commons House of parliament by a majority of the

members thereof, and then on the 16th day of the same month of February, had been again duly elected and returned a knight of the shire to serve in this present parliament for the said county; to have been at the time of the re-election, and to be still at the time of passing the said resolution, incapable of being elected a member to serve in the said parliament; from which resolution many persons have concluded that the said Commons House of parliament meant to declare that his said incapacity of being chosen a member of the said House of parliament arose merely from his said expulsion from the same, and not from the circumstance of his being at that time legally confined in prison in execution of a judgement of the court of King's Bench for having published two criminal writings, and his consequent inability to attend his duty, and serve his constituents in parliament, though this had been mentioned as a principal ground for his expulsion:—and whereas it would be an unnecessary restraint upon the exercise of the right of election in the freeholders and other electors of Great Britain, and would greatly diminish the value of that important franchise, if they were to be precluded from freely choosing for their representatives in parliament any persons that they shall think worthy of so high a trust, and esteem best qualified to serve them, who are not rendered incapable thereof by some known and general law, or some positive act of parliament in that behalf made and provided: IT IS therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons in this present parliament assembled, that no expulsion of any member of the Commons House of parliament by the said House, whether already passed, or hereafter to be made or done, shall be construed, or taken to have created, or to create, any incapacity

capacity in the person so expelled to be again chosen into the said Commons House of parliament, either for the same place for which he had been chosen before, or for any other : but the person so expelled shall remain capable of being re-elected to sit in the same parliament ; and, if he shall be so re-elected either for the same or any other place, and he be otherwise duly qualified to be chosen according to the known laws of the land, he shall sit and vote in the said Commons House of parliament in the same manner as if such expulsion had never happened, or he had then been chosen a member thereof for the first time.*

* Though no Act of Parliament of the kind here recommended has ever been passed, yet the Resolution of the House of Commons, formed on the 17th of February, 1769, for excluding Mr. Wilkes from his seat in the House after his expulsion from it, on the preceding 3d day of February, and his Re-election on the 16th by the freeholders of the county of Middlesex, to wit, " That John " Wilkes, Esquire, having been, in this session of Parliament, expelled this House, was and is incapable of being elected a member " to serve in this present Parliament," was afterwards rescinded by a subsequent House of Commons, in the spring of the year 1782, when Lord North retired from his offices of First Lord of the Treasury and Chancellor of the Exchequer, and was succeeded in the former of those offices by the Marquis of Rockingham, and the Earl of Shelburne was made Secretary of State. It seems reasonable, therefore, to conclude, " That, as the law now stands, an expulsion of a " Member of the House of Commons by the House, does not render " the person expelled incapable of being elected again to serve in the " same parliament."

F. M.

A PRO-

A PROPOSAL FOR A RECONCILIATION WITH THE REVOLTED PROVINCES OF NORTH AMERICA, WITHOUT EXEMPTING THEM FROM THE AUTHORITY OF THE BRITISH PARLIAMENT.

IN THE YEAR 1775.

IN the first place, to repeal the Quebec-Act, and thereby re-establish the King's proclamation of October, 1763, with respect to the province of Quebec, and reduce the extent of the said province to what it was before the late Quebec-Act; or, perhaps, (if it shall be thought necessary, upon a full inquiry into the matter by the testimony of Sea-officers acquainted with Newfoundland, and the Gulf of Saint Lawrence, and the fisheries carried-on in those parts, and by the testimony of merchants acquainted with the same subjects,) to enlarge the former extent of the province of Quebec, as settled by the proclamation of October, 1763, by the addition of the coast of Labrador, which, by the said proclamation, was made part of the government of Newfoundland; but, by no means, to put all the interior part of North-America into the province of Quebec.

SECONDLY.—After thus repealing the Quebec-Act, and reviving the King's proclamation of October, 1763, and reducing the province of Quebec to a reasonable and moderate extent, capable of being governed by an Assembly, in pursuance of the promise in the said Royal proclamation, To ascertain the laws of the province. This should be done by expressly mentioning and confirming the Petition of Right, the *Habeas Corpus* Act, the Bill, or Declaration
of

of Rights, made in the first year of the reign of King William and Queen Mary, and perhaps a few other statutes that are singularly beneficial and favourable to the liberty of the subject, and then by confirming, in general terms, the rest of the laws of England, both criminal and civil, excepting the penal laws against the exercise of the Popish religion, which should be declared to be (what they have always been understood to be,) utterly null and void with respect to that province; and excepting, also, the laws relating to the tenures of land, the manner of conveying it, and the laws of dower and inheritance, at least with respect to the children of marriages already contracted, or which shall be contracted before a given future day, and declaring, that upon these subjects the former French laws of the province should be in force.

But the laws of England, which disqualify Papists from holding places of trust and profit, ought still to be continued in the province, though the penal laws should be abolished; the former laws being not laws of persecution, but of self-defence. Yet the King might, if he pleased, extend his bounty to those people who signed the French petition, and to such other persons of the Roman-Catholick religion, as he thought fit, by granting them pensions.

Also, it would be proper to abolish the seigneurial Jurisdictions in Canada, for the satisfaction of the great body of the freeholders of the province. If this cannot be done consistently with justice, and the terms of the capitulation granted by Sir Jeffery Amherst, in September, 1760, without giving the seigniors a pecuniary compensation for the loss of these jurisdictions, (though I incline to think it might,) such pecuniary compensations ought to be given them. The expence of a week's extraordinaries to the army at Boston would be more than sufficient to make these compensations in a large and ample manner.

THIRDLY.

THIRDLY.—Having thus ascertained the laws of the province of Quebeck, it would be proper to provide for the convenient administration of justice in it, either by adopting the plan set-forth above, in pages 343, 359, or some other that shall be thought fitter for the purpose.

FOURTHLY.—To provide a competent legislature for the province of Quebeck. The best legislature that could be provided for it would, as I believe, be a Protestant Assembly chosen by the freeholders of the country, whether Protestants or Roman-Catholicks. The next best, I should be inclined to think, would be a Legislative Council, consisting of Protestants only, (such as is proposed in the draught of an Act of Parliament, contained in the *Account of the Proceedings of the British and other Protestant inhabitants of the province of Quebeck in North-America in order to obtain a house of Assembly in that province, lately published and sold by B. White in Fleet-Street,*) to be established for only seven years; in which all the members should be made independent of the Governor, so as to be neither removeable nor suspendible by him upon any occasion whatsoever, though they might be removed by the King, by his order in his Privy Council. They should be thirty-one in number, or perhaps more; and should all sign the ordinances for which they gave their votes, and should be paid forty shillings each, every time they attended the meetings of the Council, in order to induce them to attend in considerable numbers; as the Justices of the Peace in England are intitled to a pecuniary allowance for attending the Quarter-Sessions of the Peace, and the Directors of the East-India Company, for attending the meetings upon the affairs of the Company, and the members of the House of Commons are intitled to wages from their constituents attending Parliament, though now they forbear demanding them. But they should receive no general salaries from the Crown, not depending upon their attendances; as such a
practice

practice can tend to nothing but to make them dependent on the Crown, and contemptible in the eyes of the people. Next to such a legislative Council, consisting of Protestants only, a general Assembly of the people, consisting of Protestants and Papists indiscriminately, seems the most proper legislature for the province. And to the establishment of such an Assembly but few objections can now be made; since the English settlers in the province, on the one hand, have declared that they are willing to acquiesce in the establishment of such an Assembly; and the King and Parliament, on the other hand, (by passing the Quebec-Act, and permitting Roman-Catholics to hold all sorts of offices, seats in the legislative council of the province, judicial offices, and even military commissions,) have declared that they consider the old opinion, "that Roman Catholics were not fit persons to be invested with authority under the British Government," as ill-grounded with respect to the province of Quebec. For certainly, if there is any hardship in excluding Papists from holding places of trust and profit in the province, there is a still greater hardship in excluding them from being chosen members of an Assembly of the province.

FIFTHLY.—To repeal the Boston-charter Act; and to pass a resolution in both Houses of Parliament, that for the future, no charter of any American colony shall be taken away, or altered in any point, by the British Parliament, without, either on the one hand, a Petition for that purpose, to the two Houses of Parliament, or to the King's Majesty, from the Assembly of such colony, whose charter is proposed to be either taken away or altered, or, on the other hand, a suit at law, by a writ of *Scire facias*, to repeal the said charter, regularly carried-on in the Court of Chancery in England, upon a charge of some abuse of the powers of the said charter, by the people of such colony, or of some other misdemeanour committed by them, which may
he

be a legal ground of forfeiture of the same, and a judgement of forfeiture pronounced in consequence of such suit after a full hearing of the same, and also a re-hearing in Parliament of the charges in the said suit, and of the proofs brought in support of them, and of the arguments which may be alledged both for and against the said colonies by Counsel, and an approbation and confirmation of such judgement of forfeiture by both Houses of Parliament in consequence of the said re-hearing of the whole matter.

Such a resolution of the two Houses of Parliament would give the Americans a strong moral assurance that the privileges granted them by their charters would not be lightly and wantonly altered for the future upon the hasty suggestions of men little acquainted with their history and condition, and whose notions of Government are very different from their own.

SIXTHLY.—To repeal the trial-act, for trying Officers or Soldiers, who shall be indicted for murder in the Massachusetts's bay, in others of the American provinces, or in England. This Act, I am persuaded, was intended only for the purposes of justice, and to procure a fair trial to the officers and soldiers who should happen to be indicted for actions done by them in the course of their duty as assistants to the civil magistrate in the execution of the laws, and not to screen them from punishment when they were really guilty of murder, or had occasioned the death of his Majesty's subjects in that province without such just and lawful cause. And I am further persuaded that, in fact, it would not screen them from punishment, when the charge was supported by proper testimony; but that the Juries that should try these indictments, whether in England or in America, would readily convict such officers and soldiers of murder, if they were really guilty of it, and proved to be so by sufficient evidence. But the difficulty

culty of procuring the witnesses to the facts to come across the Atlantick ocean to give evidence concerning them, is so great that it may almost be considered as unsurmountable; and consequently this method of trying those offences may be reckoned to be impracticable, notwithstanding the spirit of justice and impartiality by which the Juries would probably be governed. And for this reason the Act ought to be repealed. However, as this Act is only a temporary one, and will expire of itself in two years, it is a matter of much less consequence than the Quebec Act and the Act for altering the charter of the Massachusetts bay. Those are the Acts which have brought-on this civil war, and which, I apprehend, must be totally repealed before peace can be restored.

SEVENTHLY.—To pass a resolution of both Houses of Parliament, that, for the future, no tax or duty of any kind shall be imposed by authority of the Parliament of Great-Britain, upon his Majesty's subjects residing in those provinces of North-America, in which assemblies of the people are established, until the said provinces shall have been permitted to send representatives to the British Parliament: excepting only such taxes or duties upon goods exported out of, and imported into, the said provinces as shall be thought necessary for the regulation of the trade of the said provinces; and that, when such taxes, or duties, shall be laid by the British Parliament on any of the said provinces, the whole amount of the same shall be disposed-of by the Assemblies of the provinces in which they shall be collected, respectively.

EIGHTHLY.—That all the quit-rents, and other royal dues, collected in the provinces of America, shall be appropriated to the maintenance of the civil governments in the same, and shall be employed in the payment of the salaries of the Governors, and Judges, and Sheriffs, or Provost-

Provost-Marshalls, and Coroners, and other offices of Justice in the same, so as to lessen the taxes which it may be necessary for the Governors, Councils, and Assemblies of the said provinces to lay on the inhabitants of the same for the said purpose : and that a separate receiver and collector of the said quit-rents and other royal dues, be appointed by the several Governors of the said provinces respectively in every separate province, who shall hold his said office during the pleasure of the Governor of the province to which he shall belong, and his residence in the said province, and no longer, and who shall receive and enjoy such salary, or fees, or other emoluments, during his continuance in his said office, as shall be allowed by an Act of the Governor, Council, and Assembly of the said province. But the portions of the said quit-rents that shall be assigned to the Governor, and Judges, and other officers of civil government in the said provinces respectively, shall be such as his Majesty, in his royal wisdom, shall think fit to appoint.

Also it should be provided that no Governor, Judge, or other officer of the civil government of any such province, should receive any part of the salaries arising from those quit-rents, or other royal dues, during the time of his absence from the said province, or after his return to the province, in consideration of his having held the said office during such absence ; but that so much of his said salary, arising from the said quit-rents and other royal dues, as would have accrued to him in the said space of time, if he had resided during the same in the said province, shall be deemed to be forfeited by his said absence, and shall make a part of the publick treasure of the province, and be disposed-of by the joint Act of the Governor, Council, and Assembly of the said province.

The amount of these quit-rents and other royal dues in
America

America should be made good to his Majesty out of the sinking-fund.

NINTHLY.—The offices of Secretary of the province, clerk of the Council, Register of deeds and patents, or clerk of the inrolments of deeds and patents, Provost-marshal, or sheriff, Commissary of stores, Receiver-general of the king's revenue, Coroners, clerks, or registers, of the courts of justice, Naval officer, Collector of the customs, Comptroller of the customs, in every province, should be given to persons resident in the province, to be executed by themselves, without a power of making deputies; and the fees to be taken by them should be settled by Acts of the Governour, Council, and assembly of the said province, in which they are holden; and they should be holden during the pleasure of the Governour, or of the King, as his Majesty, in his royal wisdom, shall think fit, but should never be given by patents under the great seal of Great-Britain, to be holden during the lives of the patentees; and they should be holden by separate officers, so that no two of them should be holden by the same person.

The present patentees of any of these offices should have compensations made to them for the loss of their patents by pensions for their lives payable out of the sinking-fund.

TENTHLY.—In the governments called *Royal Governments*, (which are carried-on by virtue of the King's commissions only, without charters,) the Councils of the said provinces should be made more numerous than they now are, and the members of them should be appointed for life. They now usually consist of twelve members, all of whom may be removed at the pleasure of the crown, and suspended from the execution of their offices of counsellors, by the Governours of the province, till the pleasure of the Crown can be known. This renders them of little weight and consequence in the eyes of the people, and consequently of little advantage to the Governour in supporting his Majesty's authority, and preserving the peace of the province

province. It would therefore be proper to enlarge their number to at least 23 members, and, in the more populous provinces to a greater number, (in Virginia, perhaps, to 43,) of whom at least 12 should be necessary to make a board, and do business; and it would also be proper to appoint them for life or during their good behaviour, so that they could not be removed from their said offices without a charge of some misconduct that shall be a sufficient ground for removing them from the said office, and a proof and conviction of the same in a trial by jury upon a writ of *scire facias* to repeal the patent by which they had been appointed to such office, or some other law-proceeding analogous to such writ. This numerous council should be the Legislative Council of the province, and should concur with the Assembly in making laws. But, for the executive part of government, the King might appoint a lesser Council consisting of not fewer than 12 persons, who should advise the Governour in all those matters relative to the execution of the powers of his commission, in which he was directed by his commission to act with the advice of his Council. And seven members of this Council should be necessary to make a board, or do business. The members of this Council should hold their places at the pleasure of the Crown, as the King's privy Counsellors do in England; but should not be removeable or suspendible by the Governour. They might either be some of the members of the greater, or legislative, Council, or not, as his Majesty, in his royal wisdom, should think fit.

This measure, "of making the members of the legislative councils more numerous than they now are, and independent of the Crown, in order to give them more weight and dignity in the eyes of the people, and thereby to render them more capable of being useful in the support of his Majesty's government," is recommended by some of the warmest friends of Great-Britain in North-America; of which I will

mention

mention an instance or two. In the year 1774 a very sensible pamphlet was published by Thomas Cadell, in the Strand, entitled, "*Considerations on certain Political Trans-actions of the Province of South-Carolina.*" This pamphlet has been generally ascribed to Sir Egerton Leigh, Baronet, his Majesty's attorney-general for that province. But, whosoever the author of it may be, he appears to be a person well acquainted with the affairs of America, and more especially of that province, and a zealous friend to the interests of Great-Britain in America, and to the continuance of an amicable connection between the two countries, upon the old footing of a subjection of them both to the authority of the British Parliament. In pages 68, 69, 70, of this pamphlet there is the following passage. "In my apprehension it seems absolutely necessary, that the numbers of the Council should be increased; and for this plain and obvious reason, Because a body of Twenty-four Counsellors, for instance, appointed by the King from the first rank of the People most distinguished for their wealth, merit, and ability, would be a means of diffusing a considerable influence through every order of persons in the community, which must extend very far and wide, by means of their particular connections; whereas a Council of Twelve, several of whom are always absent, can have little weight, nor can their voices be heard amidst the clamour of prevailing numbers."

"I think this body, acting legislatively, ought to be made independent, by holding that station during the term of their natural lives, and determinable only on that event, or on their intire departure from the province. But the same person might nevertheless, for proper cause, be displaced from his seat in Council; which regulation would, in a great measure, operate as a check to an arbitrary Governor, who would be cautious how he raised a powerful enemy in the Upper House by a rash removal; at the same

" time that the power of removal would keep the Member
 " within proper bounds. The life-tenure of his legislative
 " capacity would likewise sufficiently secure that *indepen-*
 " *dency* which is so necessary to this station, and so agree-
 " able to the constitution of the Parent-State. I know some
 " folks will raise both scruples and fears; but for my own
 " part, I think without much reason: for, if we attend to
 " the workings of human nature, we shall find, that a cer-
 " tain degree of attachment commonly arises to the fountain
 " from whence an independent honour flows. Opposition
 " seldom settles upon the persons who are raised to dignity
 " by favour of the Crown, it having so much the appearance
 " of Ingratitude, one of the most detested vices; and it ever
 " acts a *faint* and *languid* part, till a descent or two are past,
 " and the author of the elevation is extinct. From this rea-
 " soning it seems tolerably clear to me, that the Legislator,
 " being for life, and deriving his consequence from the
 " Crown, will rather incline to *that scale*; and it is not
 " probable that his opposition would in any instance be *ran-*
 " *corous* or *factious*; inasmuch as, though his life-estate is
 " secure, he would not wish unnecessarily to excite the re-
 " sentment of the Crown, or exclude his descendants or con-
 " nections, perhaps, from succeeding afterwards to such a
 " post of honour and distinction in their native country: in
 " short, this idea seems to admit such a *qualified dependency*,
 " as will attach the person to the side of the Crown in that
 " proportion which the constitution itself allows, and yet so
 " much *real independency*, as will make him superior to acts
 " of meanness, servility, and oppression. Whether these
 " sentiments are well-founded, or not, I submit to the impar-
 " tial judgement of my reader; what I principally mean to
 " infer is, that the happiness of these colonies much de-
 " pends upon a due *blending*, or *mixture*, of power and
 " dependence, and in preserving a proper subordination of
 " rank and civil discipline."

And

And in pages 72 and 73 of the same pamphlet, there is another passage, beginning with the words, "I cannot close this subject, &c." down to the words, "*sound principles of the English constitution*," p. 73. l. 11, that is worthy of the reader's attention. And the late Mr. Andrew Oliver, (who was, first, Secretary, and afterwards Lieutenant-governour, of the province of the Massachusetts Bay,) in one of his letters to the late Mr. Thomas Whately, (who had been secretary to the treasury under the late Mr. George Grenville,) dated Feb. 13, 1769, writes as follows. "You observe upon
 " two defects in our constitution, the popular election of
 " the Council, and the return of Juries by the towns. The
 " first of these arises from the charter itself; the latter from
 " our provincial laws. As to the appointment of the
 " Council, I am of opinion that neither the popular elec-
 " tions in this province, nor their appointment (in what
 " are called the royal governments) by the King's *man-*
 " *damus*, are free from exceptions; especially if the Council,
 " as a legislative body, is intended to answer the idea of
 " the House of Lords in the British legislature. There they
 " are supposed to be a free and independant body; and on
 " their being such, the strength and firmness of the Constitu-
 " tion does very much depend: whereas the election, or ap-
 " pointment of the Councils in the manner before-mention-
 " ed, renders them altogether dependant on their constitu-
 " ents. The King is the Fountain of Honour; and, as such,
 " the Peers of the realm derive their honours from him. But
 " then they hold them by a surer tenure than the Pro-
 " vincial Counsellors, who are appointed by *mandamus*.
 " On the other hand, our popular elections very often expose
 " them to contempt; for nothing is more common than for
 " the Representatives, when they find the Council a little
 " untractable at the close of the year, to remind them that
 " May is at hand. It is not requisite, that I know
 " of, that a Counsellor should be a freeholder. Accord-

" ing to the charter, his residence is a sufficient qualification ;
 " for *that* provides only that he be an inhabitant of, or
 " proprietor of lands within, the district for which he is
 " chosen : whereas the peers of the realm sit in the House of
 " Lords, (as I take it,) in virtue of their baronies. If
 " there should be a reform of any of the colony-charters,
 " with a view to keep-up the resemblance of the three
 " estates in England, the legislative Council should consist
 " of men of landed estates. But, as our landed estates
 " here are small at present, the yearly value of £. 100
 " sterling *per annum* might, in some of them at least, be a
 " sufficient qualification. As our estates are partible after
 " the decease of the proprietor, the honour could not be
 " continued in families, as in England. It might, however,
 " be continued in the person appointed *quamdiu se bene*
 " *gesserit*, and proof might be required of some mal-prac-
 " tice before a suspension, or removal. Bankruptcy, also,
 " might be another ground for removal."—"The King
 " might have the immediate appointment [of these coun-
 " cellors] by *mandamus*, as at present in the royal govern-
 " ments."—"Besides this legislative council, a privy coun-
 " cil might be established," These authorities are surely
 very respectable, and of prodigious weight in favour of such
 an amendment of the constitutions of the King's Councils
 in North-America. Alterations of those governments in
 favour of liberty, that are suggested and recommended by
 such friends to Great-Britain as the authors of the foregoing
 passages, seem to be indisputably reasonable, and expedient,
 and fit to be adopted by Great-Britain.

ELEVENTHLY.—To declare, by resolutions in both
 Houses of Parliament, that it is not expedient to require the
 American colonies to contribute any thing toward the dis-
 charge of the national debt already contracted, in any mode
 whatsoever, either by taxes to be imposed by the British
 Parliament

Parliament or by grants in their own assemblies, or in any other manner whatsoever; but only that it is just that they should contribute in a reasonable proportion, suited to their several abilities, to the *future* expences of the British empire, that are of a general nature, and relate to all the dominions of the Crown, and of which they reap the benefit, as well as the inhabitants of Great-Britain.

TWELFTHLY.—To offer an act of pardon, indemnity, and oblivion to all the Americans who have offended the laws, upon their laying-down their arms, and returning to the obedience of the Crown within a limited time: without making any exceptions whatsoever, not even of Mr. Samuel Adams and Mr. Hancock.

By such a plan the principal causes of uneasiness and discontent amongst the Americans would, as I conceive, be taken-away; and, consequently, if they are sincere in their declarations of a desire to continue connected with Great-Britain, (as it seems highly probable that all the Colonies, except those of New-England, are; and, perhaps, even in those colonies, there may be many persons of the same disposition;) it seems reasonable to hope that it would be generally approved and accepted by them; and yet the supreme authority of the Parliament of Great-Britain would not be given-up.

F. M.

ON THE INEXPEDIENCY OF ESTABLISHING BISHOPS
IN NORTH AMERICA.

To the Printer of the PUBLIC ADVERTISER.

SIR,

March 24, 1778.

I SOME days ago observed that it seemed to be necessary, in the present happy disposition of the ministry to measures of Conciliation, to remove the apprehensions of the Americans concerning the establishment of Bishops amongst them by the authority of the Crown, or of the Parliament. This measure I recommended, as being essential to the success of the intended treaty with America; there being no reason to expect that the Americans will ever return to the allegiance of the Crown without a full security in this important article. As a proof of their anxiety upon this subject, I will now cite a passage from one of their publick papers, written so long ago as the year 1768, when few persons, either there or in this country, could imagine that the dissensions then subsisting between the two countries would in so short a time have risen to their present dreadful height. And we may well suppose, that what they then were anxious to obtain, they will not now recede from. In the publick letter of the House of Representatives of the province of Massachusetts Bay, in the month of January, 1768, to Mr. Dennis De Berdt, who was at that time their agent in England, (which is, indeed, a most able performance, and well worthy every gentleman's perusal; see Almon's Remembrancer, number 34, page 167, and seq.) there is the following passage :

“ The establishment of a Protestant Episcopate in
“ America is also very zealously contended-for. And it
“ is very alarming to a people, whose fathers, from the
“ hardships

BISHOPS

ISER.

4, 1778.

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" hardships they suffered under such an establishment,
 " were obliged to fly from their native country into a
 " wilderness, in order peaceably to enjoy their privileges,
 " civil and religious. Their being threatened with the
 " loss of both at once must throw them into a very dis-
 " agreeable situation. We hope in God such an establish-
 " ment will never take place in America; and we desire
 " you will strenuously oppose it. The revenue raised in
 " America, for aught we can tell, may be as constituti-
 " onally applied towards the support of Prelacy as of soldi-
 " ers and pensioners. If the property of the subject is
 " taken from him without his consent, it is immaterial
 " whether it be done by one man or five hundred, or
 " whether it be applied for the support of Ecclesiastical or
 " Military power, or both. It may be well worth the
 " consideration of the best politician in Great-Britain or
 " America, what the natural tendency is of a vigorous
 " pursuit of these measures." This passage, I presume,
 is a sufficient proof of the dread and aversion the Americans
 entertain for the establishment of Episcopacy amongst them.

Nor were they apprehensive without reason that such a
 measure was in agitation. For, in the first place, when the
 British parliament passed the act for imposing a stamp-duty
 in America, in the year 1765, they enumerated, amongst the
 written instruments that were made liable to pay that duty,
 the several instruments of Ecclesiastical law which are used in
 the courts of Ecclesiastical, or Episcopal, jurisdiction here
 in England, as Citations, Monitories, sentences of Excom-
 munication, and the like: and it is reported with confi-
 dence, that, when the late Mr. George Grenville, (who was,
 at that time, first Lord of the Treasury, and Chancellor of
 the Exchequer) was told that the Enumeration of these in-
 struments was unnecessary, as no such courts were known
 in America, he replied, that, though such courts were not as
 yet established in America, yet it was very possible that they
 might

might be established there in some future period, and that then it would be proper that those instruments should pay the stamp-duty; and accordingly the Enumeration of these Ecclesiastical Instruments was continued in the stamp-act; and this is said to have excited in the minds of the Americans a new apprehension of a design of this kind in the government of Great-Britain. I say, Mr. Printer, *a new* apprehension of this kind, because they had more than once been alarmed with an apprehension of this danger before, from the great zeal shown upon this subject by some of the most eminent English bishops in the late reign, amongst whom I believe I may reckon the two famous bishops of London, Dr. Gibson and Dr. Sherlock, and most certainly the late Dr. Secker, archbishop of Canterbury, who (though he had been bred amongst the Protestant Dissenters, and in the former part of his life had embraced the profession of Physick in one or other of its branches,) was remarkable for an uncommon degree of zeal for Episcopacy, and a most ardent desire to extend its influence to America.

But this alarm, which had been excited amongst the Americans by the Enumeration of the Instruments used by Ecclesiastical courts in the stamp-act, was greatly increased by a pamphlet written in the province of either New-Jersey or New-York, in the year 1766, or 1767, in favour of the measure of establishing a Protestant Bishop in America. This pamphlet was generally supposed to be written by Dr. Chandler, a clergyman of the church of England, who was minister of a church-of-England congregation at Elizabeth-town, in New-Jersey, about fifteen miles from New-York. It is said to have been ably and plausibly written, and to have made a strong impression both on the members of the church of England in North-America, and particularly in those two provinces of New-Jersey

Jersey and New-York, and on several men of power and influence in Great-Britain, so as to excite in them a strong desire of causing the measure of establishing a bishop in America to be adopted. At least this was supposed by the Americans to be the effect of it. For, soon after the publication of this pamphlet, the dissenters from the church of England in New-York, being much alarmed by an opinion of this kind, set on foot a periodical paper to answer the doctrines and suggestions contained in it, which they called *the American Whig*, and in which all the acts of cruelty and oppression that had formerly been committed by bishops of all sorts, protestants as well as papists, and particularly those done by archbishop Laud, bishop Neal, and bishop Wren, in King Charles the First's time, (which occasioned the great emigration of the Puritans to America, about the year 1630, by which the New-England colonies were first effectually peopled,) were brought afresh to light, and painted in the strongest colours. This *American Whig* came-out either once a week or once a fortnight, (I forget which,) during all the year 1767, and revived all the ancient apprehensions and animosities against bishops, which for a long time before had (with but a few interruptions) gradually subsided. This paper (as we might naturally suppose it would do) produced a paper in answer to it, which also was published periodically, as well as the *American Whig*, and at the same intervals of time one from the other, that is, once a week, or once a fortnight. It bore a tremendous title, and was written, as far as I remember, in a tone of great haughtiness and insolence. It was entitled, *A Scourge for the American Whig; by Timothy Tickle, Esq.* and to this *Scourge* a reply was written, in defence of the *American Whig*, and entitled, *A Kick for the Whipper; by Sir Isaac Foot*; which was likewise a periodical paper, that came-out once a week or once a fortnight. All these three papers

papers were printed at New-York, in the years 1767 and 1768, and had the ill effect of setting the minds of the people of America in general, but particularly of the people in that city and province, of the two opposite sects of Episcopalians and Presbyterians, very much upon the fret against each other, so as to destroy all Christian love and affection in them towards each other. And it was, probably, in consequence of the ferment caused by these papers, and of the apprehension of having a bishop established in America, which had occasioned the writing them, that the House of Representatives of the province of the Massachusetts-Bay inserted the above-recited paragraph in their letter to Mr. De Berdt, their agent, desiring him to use his utmost efforts to prevent so dangerous an establishment.

But, if the publication of Dr. Chandler's pamphlet was sufficient to alarm the Americans with the apprehension of having a bishop established amongst them, how much more would they be alarmed (if they were again subject to the Crown) at the declaration contained in the sermon of the Archbishop of York *, that such a measure was become indispensably necessary? Such a declaration from such a person (who has been many years preceptor to the heir-apparent of the Crown, and has since been promoted to the second station of dignity in the church, as a mark of his Majesty's approbation of his conduct and principles) would be considered by them as an authentick, publick, notification that a design of this kind was deliberately resolved-on in the cabinet, and would of itself, if every thing else was settled to their satisfaction, be almost sufficient to drive them into a new rebellion. The passage in which his Grace makes this declaration concerning the establishment of bishops in America, is as follows :

* Dr. William Markham, in a Sermon preached before the *Society for propagating the Gospel*, on the 21st day of February, 1777.

“ We

" We may now perhaps discover a ray of brightness.
 " But for the continuance and increase of it we must rely
 " on the wisdom of our governours, in confidence that
 " necessity will at last provide those remedies which fore-
 " sight did not : that the dependance of the colonies may
 " be no longer nominal. And for our spiritual interests,
 " we hope the reasoning which was so just in the case of
 " Canada, " that, if you allowed their religion, you must
 " allow a maintenance for their clergy," will be thought,
 " at least, equally strong when it pleads for our own
 " church ; that those who are disposed to worship God
 " in peace and charity, may be thought entitled to a
 " regular and decent support for their ministers ; that
 " they may not continue to want the important office of
 " Confirmation, without the benefit of which even a Tole-
 " ration is not compleat ; and that those who have a call
 " to the ministry, may not be obliged to seek Ordination
 " at an expense which is very grievous, and with the
 " hazard of a long voyage, which has been already fatal
 " to many of them. We have, surely, a right to expect
 " that the only Established church should not, against all
 " example, remain in a state of oppression, and that,
 " whatever encouragements may be afforded, they should
 " rather be *for* the professing it than *against* it."

This passage, I presume, cannot possibly be understood
 in any other sense than as a declaration that, in the first
 place, the Governments of the American colonies must
 be new-modelled, and made less popular, and more de-
 pendent on the Crown, than they now are ; and likewise
 that a powerful standing-army must be kept in them, to
 secure their future obedience, or to the end that their
 dependance may be *no longer nominal* ; and 2dly, that
 tithes, or some other tax, ought to be imposed on the laity
 in America for the support of the church-of-England
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Clergy, in the same manner as has been done in Canada for the maintenance of the Romish clergy; and 3dly, that one or more Protestant Bishops ought to be established in America, who should be constantly resident there, to Ordain clergymen, and administer the office of Confirmation. Now either of these measures, taken separately, would have been sufficient to excite the Colonists to rebellion, if they had been in perfect peace with Britain before they had been undertaken. It is therefore necessary to give the Americans the fullest parliamentary security that they never will be attempted; and more particularly the last measure, of settling a bishop amongst them, because that is a measure that has been mentioned by many other persons of weight and influence in England before the Archbishop of York, and has given the Americans great uneasiness.

A FRIEND TO RECONCILIATION.

F. M.

A PARAPHRASE ON A PASSAGE IN A SERMON PREACHED
BY THE MOST REVEREND DR. WILLIAM MARKHAM,
ARCHBISHOP OF YORK, BEFORE THE SOCIETY FOR
PROPAGATING THE GOSPEL, ON THE 21st OF FEBRU-
ARY, 1777;

WHEN IT WAS EXPECTED BY THE PERSONS WHO HAD ADVISED
THE AMERICAN WAR, THAT THE REVOLTED COLONIES IN
AMERICA WOULD SOON BE INTIRELY SUBDUED, AND REDUCED
TO THE OBEEDIENCE OF THE BRITISH PARLIAMENT:

THE passage itself, which is here intended to be para-
phrased, is in these words. " *Our prospects indeed have
" been long dark. We may now, perhaps, discover a ray
" of brightness. But for the continuance and increase of it
" we must rely on the wisdom of our Governours; in confi-
" dence that Necessity will at last provide those remedies
" which Foresight did not; that the dependance of the
" colonies may be no longer nominal. And, for our Spiri-
" tual interests, we hope the reasoning which was so just in
" the case of Canada, " That, if you allowed their religion,
" you must allow a maintenance for their Clergy," will be
" thought at least equally strong when it pleads for our own
" Church: that those who are disposed to worship God in
" peace and charity, may be thought entitled to a regular
" and decent support for their ministers;—that they may not
" continue to want the important office of Confirmation; with-
" out the benefit of which even a Toleration is not complete;
" —and that those who have a call to the ministry may not
" be obliged to seek Ordination at an expence which is very
" grievous, and with the hazards of a long voyage, which
" has been already fatal to many of them. We have surely
" a right to expect, that the only Established Church should
" not, against all example, remain in a state of oppression,*
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"and that, whatever encouragements may be afforded, they should rather be for the professing it than against it."

"As to what relates to the delinquents, we, for our parts, should wish to say, "Go, and sin no more." But the Interests of great States require securities that are not precarious."

This passage is expressed in smooth and plausible language : but it contains a variety of most bitter propositions. I presume it may be fairly paraphrased in the following manner.

"Our prospects of reducing the rebel Americans to an unconditional submission to the authority of the mother-country, since the breaking-out of the present troubles, have, till lately, been but gloomy. Their armies had invaded and reduced all Canada to their obedience, in the winter of the year 1775, except the single town of Quebec ;—and had blocked-up General Howe, with all the British troops that were then in New-England, within the town of Boston during the same winter, and had at last obliged him to abandon it in the month of March of the following year 1776, and fly with his army to Halifax in Nova Scotia ;—and they had repulsed the British fleet and army under the command of General Clinton and Sir Peter Parker, in an attempt they made in the same year to possess themselves of Charles-Town in South Carolina :—insomuch that, about half a year ago, neither his Majesty's troops, nor those subjects of his Majesty in America who had preserved their allegiance to him, possessed a single foot of land throughout all the thirteen revolted colonies. But now of late the fortune of the war has begun to change. A ray of brightness has broke-forth in the successes of the army under Sir William Howe in New-York and New-Jersey, and
" of

" of that under General Burgoyne and General Carleton
 " in Canada. The siege of Quebeck has been raised, and
 " the whole of that extensive province recovered by the
 " latter generals; and the principal army of the rebel
 " Americans has been defeated by General Howe in Long
 " Island; and they have been since driven from their forti-
 " fied posts at New-York and King's Bridge, and from
 " their forts near Hudson's river; and great part of the
 " provinces of New-York and New-Jersey has been redu-
 " ced to the obedience of the British Crown:—And, from
 " the precipitate manner in which the American army
 " has every where fled before the British troops, there is
 " good ground to hope that, in the course of one more
 " campaign, the whole appearance of resistance to the
 " authority of Great-Britain in America will be at an end.
 " *Then* will be the time for *confirming* and *rivetting* the
 " dominion of the Mother-country over those turbulent
 " and ungrateful dependencies, by making such wise and
 " effectual civil regulations as shall prevent a return of the
 " present disturbances;—regulations which ought to have
 " been made long ago by the government of Great-Bri-
 " tain, if that government had had a proper degree of fore-
 " sight and attention to the seditious and republican prin-
 " ciples that had long prevailed in those colonies, and to
 " the mischiefs which those principles were likely one day
 " to produce. They will, however, be now made at last,
 " since the want of them has been so fatally experienced.
 " The dependance of those colonies on Great-Britain will
 " be no longer *nominal*, but *real* and *strong* and *permanent*,
 " in consequence of these new regulations which Necessity
 " will have taught the British government at length to
 " establish.

" What these regulations will be, cannot yet be known
 " with certainty. But, from the measures which the wis-

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“ doim of Parliament has already adopted with respect to
 “ some parts of North-America, we may conjecture that
 “ they will not be very different from those that follow.

“ In the first place, the democratical charters of Connecticut and Rhode-Island (which vest in the people of those provinces the right of annually choosing their own Governors, Councils, and Assemblies without any interference of the crown,) will be either totally abolished, as absurd and incompatible with the genius of the British government, (which, though in some respects limited, is, in its essence and principle, monarchical,) or will be greatly altered by the wisdom of the British legislature, and rendered more dependant on the crown; as the charter of that other, and most turbulent, province of *New-England*, the *Maffachusetts Bay*, (though less democratical than the two former,) was in the year 1774, by the advice of those eminent statesmen, Lord North and Lord George Germaine*.

“ In the second place, the proprietary governments of Pennsylvania and Maryland will, most probab'y, be also corrected by the same wise and supreme legislature; and the powers of government which are vested by the charters of those colonies in the heirs of William Penn and Lord Baltimore, (the founders of them,) will be resumed into the king's hands, upon reasonable compensations in honour and profit made to the said heirs for the loss of those hereditary jurisdictions, and will be annexed perpetually to the crown, from which they ought never to have been separated. This measure we may consider as almost sure of being adopted in the new regulation of the Ame-

* See Almon's Parliamentary Debates for the year 1774, pages 116—122.

“ rican colonies that is now in contemplation, on account
 “ of its indispensable importance towards establishing that
 “ dependance of those colonies on Great-Britain which is
 “ so much the object of our wishes.

“ And, thirdly, we may suppose that in the said province
 “ of Pennsylvania, (in which, hitherto, can you believe it ?
 “ there has been no council to balance and controul the
 “ assembly elected by the people,) the wisdom of parlia-
 “ ment will think it necessary to establish a council that
 “ shall be composed of persons of the greatest weight and
 “ dignity in the province, to be nominated by the Crown,
 “ and who shall also be removeable at the pleasure of the
 “ Crown. And it seems probable, also, that the number of
 “ counsellors so to be appointed will be made variable at the
 “ pleasure of the Crown between the numbers of *twelve*
 “ counsellors and *thirty-six*, or some other pretty distant
 “ limits; so that the king, in his royal wisdom, may, at
 “ any time, either add to, or take from, the said coun-
 “ cil a great number of members, whenever he shall think
 “ the members already belonging to it not sufficiently at-
 “ tentive to the maintenance of his royal prerogative.
 “ For this has been already done with respect to the new
 “ council established in the Massachusetts Bay by the late
 “ judicious act for amending their charter, which was
 “ passed in the year 1774 by the advice of the afore said
 “ great statesmen.

“ In the fourth place, we may hope that all the judges
 “ and sheriffs, and other officers of justice in the several
 “ provinces in America, will be made compleatly depen-
 “ dant on the Crown, so as to be both nominated by the
 “ king, and removeable by him at his pleasure, instead of
 “ either being elected by the people, (as they now are in
 “ some of the colonies by virtue of their unfortunate char-
 “ ters,) or of being appointed by the crown in a permanent
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" manner, or during their lives or good behaviour, as the
 " judges are appointed here in England. And at the same
 " time we may presume that the British Parliament, or the
 " Crown, will take care to increase the salaries of these
 " judges and other officers of justice in every province, so
 " as to make their offices become objects of ambition and
 " competition to all the most able and active lawyers in the
 " province, who will thereby be induced to vie with each
 " other in duty and loyalty to the king's majesty, and in
 " zeal for the maintenance of his Royal Prerogative, in or-
 " der to obtain them. This will be a most useful regulation,
 " and cannot fail of producing the best effects : and it has
 " been already adopted in the important province of the
 " Massachusetts Bay with respect to the judges of the supe-
 " rior court there.

" In the fifth place, we may surely expect that the British
 " government will greatly increase the number of officers
 " employed in the collection of the customs in America,
 " and in enforcing the execution of the laws of trade
 " amongst them, which have hitherto been most shamefully
 " evaded. This will be doubly useful ; inasmuch as it will
 " not only tend to produce the just and full execution of
 " those laws, but will create a new set of persons dependant
 " on the Crown, and disposed to support its Prerogative.
 " This has already been done in some degree by erecting
 " the Board of Commissioners of Customs for North-
 " America, with handsome salaries of 500*l.* a year a piece.
 " But much more of the same kind remains to be done in
 " order to give this measure its full and proper effect.

" In the sixth place, it seems by no means improbable
 " that a most judicious piece of policy which has lately been
 " adopted with respect to the great province of Quebec,
 " may be extended to the other provinces of North-Ame-
 " rica : I mean the measure of annexing a salary of 100*l.*

" sterling

“ sterling a year to the office of a counsellor of the province,
 “ or member of its legislative council. For it is obvious
 “ that such a measure, if extended to those other provinces,
 “ would greatly contribute to keep the members of the
 “ several councils of them in a habit of constant fidelity and
 “ attachment to the interests of the Crown and of Great-
 “ Britain.

“ In the seventh place, it will evidently be proper to build
 “ forts, or citadels, in all the principal towns of North-
 “ America, and likewise at the mouths of all the principal
 “ rivers there; more especially at Boston, New-York,
 “ Philadelphia, Albany in the province of New-York, and
 “ Charles-Town in South-Carolina, and at the mouths of
 “ the rivers Connecticut, Hudson, and Delaware;—and to
 “ keep-up strong garrisons in them; in order to curb the
 “ licentiousness of the people, and to keep them in that
 “ state of peace and subjection to the crown to which we
 “ have reason to hope they will soon be reduced. The
 “ number of troops requisite for this salutary purpose will,
 “ I presume, be about thirty thousand men.

“ Without this very important measure it would not be
 “ possible to carry the former measures into execution;—
 “ at least till the people of those provinces had become
 “ habituated to the new kind of government established
 “ over them, and had formed their hopes, and views, and
 “ sentiments, accordingly. This measure is therefore in-
 “ dispensably necessary, that the dependance of the colo-
 “ nies on Great-Britain may be no longer nominal, as,
 “ by the supine conduct of former ministers of state, it has
 “ been hitherto.

“ And, as the foregoing regulations, and more especially
 “ the last, will evidently require a very considerable sum of
 “ money to be every year expended by government; and
 “ it is but reasonable that the Americans should pay this

“ money, which their own ingratitude and obstinacy will
 “ have made it necessary for Great-Britain to expend upon
 “ them ;—and the produce of the few port-duties now
 “ subsisting in America will be much too small to defray
 “ this great expense ;—it will be necessary in the eighth
 “ place, that the parliament of Great-Britain should esta-
 “ blish some further port-duties in America, to be applied
 “ to the foregoing purposes, or to the support of the new
 “ civil and military establishment which will be made
 “ there.—And perhaps, also, it will be thought expedient
 “ to lay some reasonable and equitable internal tax on the
 “ Americans in aid of the said port-duties, which might
 “ hardly by themselves be sufficient to defray the whole ex-
 “ pense of so large an establishment. Such, for example,
 “ might be another stamp-duty, upon the plan of that
 “ which was laid upon the Americans by the British par-
 “ liament in the year 1765, and too hastily, and most un-
 “ happily, taken-off in the following year, 1766 : and
 “ which, by the confession of the Americans themselves
 “ was the most judicious internal tax that could be imposed
 “ upon them, if (say they) it had been right to impose any
 “ tax at all. This tax, therefore, might be again imposed
 “ upon the Americans, after the appeal to the decision of the
 “ Almighty, which the Americans have made concerning
 “ the right of the British parliament to govern them, shall
 “ have been determined against them, as we may hope it
 “ will now soon be. And, if this tax should be again im-
 “ posed on them, it will probably be necessary to double
 “ the quantity of it, on account of the great excess of the
 “ expense of the new American establishment, (which the
 “ rebellious conduct of the Americans will have rendered
 “ necessary.) above that which was thought sufficient at the
 “ time of passing the former stamp-act.

“ These, and other such, measures will probably be
 “ thought

“ thought by the British parliament to be the proper and
 “ necessary remedies for the seditious disorders of America,
 “ and will, therefore, no doubt, be applied without delay,
 “ in order to preserve a *real*, and not a *nominal*, dependance
 “ of those colonies on Great-Britain. And thus the *tem-*
 “ *poral* affairs of that country will now speedily be ar-
 “ ranged.

“ But what more immediately demands our attention,
 “ and, no doubt, must excite the concern of the congrega-
 “ tion here assembled, is the *state of religion* in those pro-
 “ vinces; which, it must be confessed, has hitherto been
 “ too little attended-to by the government of Great-Britain.
 “ But now we may justly hope this fault will be repaired,
 “ and that such measures will be adopted, in favour of the
 “ pure and holy church of which we are members, as shall
 “ effectually establish and support it throughout all America.
 “ These, we may presume, will be as follows.

“ In the first place parliament will now, at last, establish
 “ tythes, or some other legal payment, in the colonies of
 “ America, for the maintenance of the clergy of the church
 “ of England that are settled in it. This seems so highly
 “ reasonable, that it is almost a matter of strict justice. For
 “ it is no more than what has been done in Canada, by
 “ the late Quebec-act, in favour of the clergy of the church
 “ of Rome, upon this equitable principle, ‘That, if the
 “ British government allowed the religion of the Roman-
 “ catholicks to be professed in that province, (which, by
 “ the capitulation in 1760, and the treaty of peace in 1763,
 “ it seemed bound in justice to do,) they must also provide
 “ a maintenance for their priests.’ “ Now, surely, the
 “ same principle may be applied to our own church, and
 “ will prove that, since it is necessary to allow the religion
 “ of the church of England to be professed in the other
 “ colonies

“ colonies of North-America, it is also necessary to provide
 “ a maintenance for its ministers.

“ Nor ought these payments for the maintenance of the
 “ ministers of the church of England to be made only by
 “ those persons who are members of the church. This
 “ would be much too narrow a fund for the decent and
 “ honourable support of that denomination of protestants
 “ who may be called the only *established church* in all Ame-
 “ rica. In consequence of this pre-eminence of our holy
 “ church above all the sectarian persuasions in religion,
 “ (which, indeed, are but too frequent and numerous in
 “ those provinces, but which, in a legal consideration, are
 “ only *tolerated* in them, and *not established*, any more than
 “ they are here in England,) it is fit and just that a general
 “ contribution should be made for the maintenance of its
 “ ministers by all the inhabitants of America without
 “ distinction, even as here in England presbyterians, and
 “ quakers, and other dissenters from the established church,
 “ are obliged to pay tythes to its ministers. For those who
 “ are disposed to worship God in peace and charity, that is,
 “ the members of the church of England, are *entitled* to a
 “ regular and decent support for their ministers.

“ In the second place, it may be hoped that the parlia-
 “ ment will make use of the present glorious opportunity to
 “ *establish bishops in America*. This is a measure of the
 “ utmost consequence to both the laity and the clergy of
 “ the church of England in America;—to the laity, that
 “ they may not want the important office of Confirmation,
 “ without the benefit of which even a Toleration of the
 “ church of England is not compleat:—and to the young
 “ men who devote themselves to the ministry of the gospel,
 “ by affording them an opportunity of receiving episcopal
 “ ordination in the country in which they have been born

“ and

" and educated, without being forced, (as they have been
 " hitherto,) to come to England for that purpose, at an ex-
 " pense which they can ill support, and with the hazard
 " of their healths and lives in a long sea-voyage, which has
 " been already fatal to many of them. Till this important
 " measure is adopted, and carried into effectual execution,
 " by establishing a proper number of bishops in America,
 " with revenues suitable to the dignity of their office and
 " station, the church of England (though it is, in point of
 " *right and law*, the only established church in America,)
 " may be truly said to be *in fact* in a state of persecution or
 " oppression, while every other denomination of protestants
 " enjoys the highest degree of liberty: which is an event
 " of a singular nature, and contrary to the example of all
 " other governments in the world; as *they* always take care
 " to provide suitable encouragements and supports for the
 " several religions they think fit to adopt and establish. It
 " is fit, therefore, that England should, at last, follow the
 " same just policy, and that every encouragement that the
 " British government can afford to any religion in America
 " should be afforded to that of the church of England.

" As to what relates to the persons who have engaged in
 " this wicked and unnatural rebellion, we, that are ministers
 " of the gospel of peace and mercy, should, if we were to
 " follow the inclinations of our hearts, rejoice to see those
 " offenders discharged, at the close of these troubles, with no
 " other punishment or reproof, than our Saviour's exhorta-
 " tion to the woman taken in adultery, '*Go, and sin no
 " more.*' But policy and prudence forbid so mild a con-
 " duct, and make it necessary to the future safety and tran-
 " quillity of the state, that many of those who have been
 " most guilty in exciting this rebellion in America should
 " receive due punishment for their crimes by the sentence
 " of

“ of those laws which they have so wantonly and atrociously
 “ violated. The members of the Continental Congress in
 “ particular, who have passed the vote of Independance,
 “ and thereby themselves renounced, and instigated their
 “ countrymen to renounce, the allegiance due to the king’s
 “ sacred majesty, must be considered as having offended be-
 “ yond all hopes of mercy ; which, if it were extended to
 “ offenders of that deep malignity, might be justly censured
 “ as weak and dangerous, and injurious to the publick wel-
 “ fare. For it would counter-act the good effects of the
 “ successes with which God hath been pleased to bless our
 “ arms in this unhappy contest, and would render precari-
 “ ous the future peace and tranquillity of the American
 “ colonies, and the future authority of Great-Britain over
 “ them, (by which alone that tranquillity can be preserved,)
 “ by preventing the existence of the strongest of all secu-
 “ rities for the continuance of those blessings, to wit, the
 “ terror arising from the sight and memory of a severe and
 “ extensive execution of the laws against those who have so
 “ wickedly overthrown them. These very great offenders,
 “ therefore, together with the principal members of the
 “ several provincial assemblies, or conventions, that have
 “ usurped the government of their respective provinces since
 “ the general rejection of his Majesty’s lawful authority,
 “ we must now prepare ourselves to see punished in the
 “ manner the laws direct, in order to insure to future gene-
 “ rations the advantages of peace and harmony between
 “ Great-Britain and the American colonies, with a due sub-
 “ ordination of the latter to the parental authority of the
 “ former, which, by God’s blessing on his Majesty’s arms,
 “ are likely now soon to be established.”

This I take to be a fair and moderate interpretation of
 the above-mentioned passage of the Archbishop of York’s
 sermon.

sermon. The seven propositions, or regulations, herein before distinctly set forth in the first part of the foregoing paraphrase, are those which I conceived, upon reading the said passage of that sermon, the archbishop must have had in his mind at the time he wrote it, and would have set forth and avowed, if he had been under a necessity of pointing-out distinctly *what those remedies* of the political disorders in America *were*, which, he says, Necessity will now at last provide, though Foresight did not. And I am confident that no American that reads that sermon, will conceive it to mean less.—And, as to the latter propositions concerning the state of the church of England in America, and the necessity of establishing tythes there, or some other legal and general payments, (to be made by all the inhabitants of America, as well as by the members of the church of England,) for the maintenance of the clergy of the church of England, and likewise of establishing bishops there;—I say, as to these latter propositions, they are expressly contained in the Archbishop's own words, which cannot be made intelligible, or consistent with themselves, by any other interpretation.—Nor can the last paragraph of the aforesaid passage of the Archbishop's sermon, in which he says concisely, "*That the interests of great states require securities that are not precarious,*" be well supposed to have a less extensive meaning than that which is above ascribed to it.

There is also another very remarkable passage in that sermon of the Archbishop of York, which relates to a most respectable body of people here in England itself. I mean the protestant dissenters. These people have so far incurred his grace's displeasure, by expressing a disapprobation of the measures that have been taken against America, that he treats them as the worst enemies of government, and declares that the severe laws which were formerly made
against

against papists in the reigns of queen Elizabeth and king James I. in consequence of their frequent plots to dethrone and assassinate the former, and of the famous gunpowder plot in the beginning of the reign of the latter, (by which they designed to destroy at once the king and both houses of parliament,) ought now to be extended to these new, but equally dangerous, domestick enemies. The passage in which this sentiment is conveyed, is in these words. "*When a sect is established, it usually becomes a party in the state: it has its interests; it has its animosities; together with a system of civil opinions, by which it is distinguished, at least as much as by its religious. Upon these opinions, when contrary to the well-being of the community, the authority of the state is properly exercised.*"

"*The laws enacted against papists have been extremely severe: but they were not founded on any difference in religious sentiments. The reasons upon which they were founded were purely political.*"

"*The papists acknowledged a sovereignty different from that of the state; and some of the opinions which they maintained made it impossible for them to give any security for their obedience. We are usually governed by traditional notions, and are apt to receive the partialities and aversions of our fathers. But new dangers may arise: and, if at any time another denomination of men should be equally dangerous to our civil interests, it would be justifiable to lay them under similar restraints.*"

I presume it can hardly be doubted that the meaning of the last sentence of this passage, when turned into still plainer English, is as follows. "The presbyterians and other protestant dissenters of England are at this day as much enemies to government, and as dangerous to our civil interests, as the papists were in the reigns of queen Eliza-
" both

“ beth and king James I. when those severe laws were
 “ made against them. Therefore it is now equally just and
 “ necessary to make the like laws against the said protestant
 “ dissenters.”

This is a strange accusation to be brought against that body of men in England who have, of all others, been most uniformly and zealously attached to the government of the princes of the house of Hanover, ever since the first moment of their accession to the throne of these kingdoms !—and for no other crime but expressing a disapprobation of the wild and dangerous project of attempting to govern three millions of people, at the distance of three thousand miles, in a manner they did not like, by means of a great army, composed in part of hired foreigners ;—a project which was likely to be almost equally pernicious to Great-Britain, whether it did, or did not, succeed. For, if it had succeeded, it would have increased the power and influence of the crown (which are already generally thought to be too great,) in so great a degree as to have rendered the liberties of England itself precarious, or dependant on the personal character and virtues of the king upon the throne ; and it would likewise have occasioned a prodigious additional annual expence to Great-Britain, to maintain the army which would have been necessary to keep America in subjection, after it had been subdued ;—an expence which would have far exceeded all the taxes that could have been raised for that purpose in America, together with all the profits that Great-Britain could have derived from the preservation and monopoly of its trade. And, if it did not succeed, (which was much the more likely event, and that which we now see and feel, has happened,) it was likely to be attended with the total loss of the colonies of North-America, (which would in such a case make themselves independ-

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ant of Great-Britain,) together with that of the West-India islands, and the Newfoundland fishery, and (in consequence of these losses) with the diminution of our trade and maritime power, the decrease of the produce of the customs and excise, the lessening of the security of the national debt, and the necessity, at the same time, of continually laying-on new taxes, which must, in such a state of things, be principally levied upon the landed property of the kingdom. All these misfortunes, and more, were likely to be the consequence of the failure of success in this attempt to subjugate America. And that this attempt would fail of success, was easily foreseen, and publickly and repeatedly foretold, not only by many of the protestant dissenters of the kingdom, but by numbers of people of other descriptions in it, who thought it highly improbable that France (notwithstanding her professions of friendship and fidelity to her engagements with Great-Britain,) would forbear to interfere in favour of the colonies in one period or other of the dispute, in order to prevent the reconciliation and re-union of those two great members of the British empire, and (to use Dr. Franklin's expression in his memorial to the court of France in the autumn of the year 1777,) *to improve the most favourable opportunity that had ever been offered her, of humbling her most powerful and hereditary enemy.* And now the event has shown that this apprehension was but too well grounded. It ought not therefore to be imputed as a crime to the protestant dissenters of the kingdom, that they opposed that impolitical system of measures which, they saw, was likely to bring ruin on the nation, and deprive his Majesty of a great and most flourishing part of his dominions;—and much less ought it to be considered as a crime of so deep a dye as to warrant the very severe measures which the Archbishop recommends to be taken against them, of treating them

them as a set of people who, by principle, are enemies to the constitution of their country, and of extending to them, on that account, the laws formerly made against papists.

As for the other event of this attempt to subjugate America, I mean the successful one, the Archbishop himself has furnished all lovers of civil liberty with the most substantial reasons for wishing that it might not happen, by displaying to them the system of measures which, he thinks, in that event, ought to have been, and would have been, adopted, by those who direct the publick counsels of this nation, for the future regulation of America, to wit, the system which is contained in the first passage above-recited from his grace's sermon, and of which I have ventured in the foregoing pages to furnish the reader with a paraphrase. For, if America had been perfectly subdued, and reduced, (as the fashionable expression was,) to *unconditional submission*, and, in consequence of such reduction, the aforesaid system of measures, (which are described in the above paraphrase, and which I conceive to have been those which the Archbishop must have had in his eye when he preached that sermon,) had been adopted by the British parliament; I must freely confess that I should have thought it a greater misfortune than even the contrary, and more probable, event, which has happened, with all the train of melancholy consequences that seem likely to accompany it,—such as the loss of all our possessions both in North-America and the West-Indies, together with that of the Newfoundland fishery (though so valuable to us as a nursery for seamen,) and that of Gibraltar and Minorca, and of all our possessions in Africa and the East-Indies. These, I acknowledge, are great misfortunes: but the loss of the civil liberties of the nation, or their being rendered precarious and dependant on the personal character and virtues of the king for the time being, (which would have

have been the consequence of the system of measures recommended by the archbishop,) would be a much greater. And in this opinion, I trust, I am not singular, but have the concurrence of thousands and tens of thousands of my fellow-subjects.

" ————— *Prohibe lamenta sonare ;
Fleve veta populos ; lacrymas, luctus que remitte :
Vincere PEJUS erat."*

Lucani Pharsalia, Lib. 7, vers. 707, 708, 709.

F. M.

OF THE STATE OF NORTH AMERICA, AFTER THE
CAPTURE OF LORD CORNWALLIS'S ARMY.

For the MORNING CHRONICLE.

London, August 7, 1782.

MR. PRINTER,

INCLOSED you have a letter wrote by a gentleman in South-Carolina to his friend in London, without the alteration of a word or syllable. The writer I know to be a native of South-Britain, and that he is a gentleman of large property in America, where he has resided near twenty years. The knowledge and ability of the writer, and the fitness and propriety of the plans and reasons suggested, are submitted to the opinion of the nation; but whatever the politics of the day may determine, I am confident that Great-Britain will ere long be convinced, that it was her interest and her wisdom to have adopted and pursued them with an ardour, which is due to that patriotism, integrity, and good sense, with which they are recommended by the writer, for the benefit of his King and country.

A. B.

South-Carolina, March 28, 1782.

In the present situation of affairs, to be silent is to be criminal; and I should ill deserve the confidence and friendship I have so repeatedly experienced from you, if I did not give you my sentiments candidly on the times.

The fall of Lord Cornwallis is, beyond a doubt, a misfortune of the first magnitude, but by no means places America in so independent a situation as the first complexion

plexion of this unfortunate event seemed to give it in the eyes of the enemies to Great-Britain; but I am confining myself to the south country altogether, and, before I write another sentence, I will be free enough to own the impossibility *now* of reducing the northern country to obedience, for there I confess it is *taking a bull by the horns*. But the case is very different to the southward. The fall of Lord Cornwallis was not effected by the abilities, members, or resources of America: it was the power of France, it was their superior navy, and the infamous conduct of our own, that did the business: till the French gained this decisive advantage, our troops, though inferior in numbers, marched from one end of Virginia to the other, backwards and forwards, with little or no loss. You will say this is not conquering the country; I grant it; but it is exhausting it in such a manner, that another campaign, with success, must so cripple it, as to render it incapable of supporting itself against your operations. Whilst this was doing, about sixteen hundred troops, under a sensible and an active officer, kept North-Carolina not only at bay, but in actual suspense; whilst the Tories were ranging at large, and with support and judicious officers, would have very soon possessed themselves of all the principal leaders in that country against Britain. Why nothing was attempted to be done in South-Carolina, with so fine an army, is a paradox only to be solved by comparing it with what *was not done to the northward*.

Had my humble ideas prevailed either in England or New-York, Green would not have insulted a superior army so long and so fatally. I proposed (in my mind) that the last reinforcement from England would have been made 1500 strong, and that such a number would have been sent into North-Carolina, and either landed at Cape Fear or Edenton; and forced their march to the westward,
and

and back of Green, whilst the southern army pushed him in front; a few weeks must have decided his fate, and he would have been fortunate if he *could capitulate—this was what he dreaded*; and therefore a most substantial reason why it was not done: at that time near 6 or 7000 men were under parole, their internal government distracted, their governor a prisoner, and Wilmington open as an asylum and protection for the loyalists; the greatest difficulty attended supplies getting to Green, either men or stores. The subject, was I to continue it, would swell too large for a letter; I shall, therefore, briefly give you my opinion upon what ought to be done, *and what can be done*, if Great-Britain has only virtue enough left to hang, and substitute honesty, activity, and plan—instead of supineness, confusion, &c. &c. The force that Great-Britain has now in America is fully sufficient for the plan I propose, which is to bring all their force to the southward, and reduce the whole as far to the northward as James River: this is not visionary, like all the schemes our country has been pursuing these seven years, but is real and substantial. How, evacuate New-York, and leave the loyalists to the mercy of the rebels? My answer shall be short: If you don't do this, you must evacuate all America. What is then to become of the loyalists? Can any man in his senses think, that holding New-York with 14 or 15,000 troops in its garrison, will prevent the independence of America? The way to prevent it, is to conquer that country that is accessible to our arms; to keep their internal government in confusion by the operations of war; to prevent the cultivation of their lands; to increase their distress by the continual drafts of men for their army; and the extreme burthen their taxes must be. Now their paper currency is annihilated, if Washington comes to the southward, so much the better; the greater must the ex-

pense be to the Americans, the better opportunity to bring him to a decisive action, and the sooner will the country be exhausted of its resources ; which I am sure you need not be told is every day growing less and less, notwithstanding all the pompous harangues of the patriots and republicans. What I purpose can be compleated in twelve months, if a man of courage and wisdom is placed to conduct it. It would be wiser in the nation to vote a few thousand pounds as a compensation for losses to such loyalists as may incline to follow the British standard from New-York, than idly to waste millions on what I will be bold to pronounce she will never effect, if the present measures are re-adopted and pursued. If a post is wanted to the northward, why not take Rhode Island, a much less garrison is necessary ? But why will not Tybee and Beaufort answer for our shipping ? and, if fortune should ever give us a superior advantage over the French by sea (and, if you had honest and wise men to direct your naval officers, you would have done it long ago), what is to prevent our taking possession of the Chesapeak again ?

If Great-Britain gains the provinces of Georgia, South and North-Carolina, and Virginia, she will have the only places worth her contending-for : and " that she can gain them " is indisputable. Let her whole force be brought to this point : determine to extirpate rebellion by instantly punishing those who shall oppose them either by arms or any other way. Court and reward those who join you, and let your address and money be applied for this purpose ; prevent plundering either foes or friends ; exact the strictest discipline ; establish a civil and moderate code of government, till the country is prepared for the reception of its former civil government ; endeavour and invite the principal persons in each province into a share of its government ; avoid the least shadow of disrespect

disrespect to such persons (a contrary behaviour has prevented, in a great measure, that confidence); direct your arms with unremitting vigour against all partizans; never parole, without the limits of your garrisons, persons of any influence; punish, in the most exemplary manner, all persons, without distinction of rank, who shall be guilty of murdering loyalists otherwise than in open action; be steady and uniform in your measures; let honesty guide all transactions both public and private; convince the people by this conduct that you are determined to establish the British civil government, and then let them see as much vigour and enterprize in your management, as they have discovered and received from your enemies, and success will crown our endeavours with an honourable peace, and the restoration of the blessings of British government.

A *defensive war* on this *extensive* continent will have all the bad effects of a truce to Great-Britain. If America is permitted to establish and execute their civil government, and to recover from the distress and difficulties they at present labour under, to furnish their quota of men and stores necessary for active service, she will be Independent in spite of every effort afterwards. Many obvious reasons must appear to you, to see the matter in the same light that I do. A naval war is proper and necessary, because you distress their commerce, render foreign supplies dear and precarious, and at the same time keep them in constant dread of *predatory expeditions, which ought often to be set on foot.*

I am now come to speak of another subject of great consequence, I feel the weight of it upon my mind, but I am certain of its good effects if properly conducted; that is, arming the blacks. In addition to the forces already on this continent, near 8 or 10,000 strong hearty black males may be found proper for the field; if they were put under

proper white officers, regularly trained, and clothed and fed in the same manner as the King's troops, great services would be performed by them in this southern country; although they may not be equal to the attack of white regular troops, numberless services are to be expected from them, equally useful in a war like this. The squeamish may raise objections, but they ought all to vanish in the eyes of a true friend to his country, when the contest is become so serious as to threaten its very existence. The French employ in the West Indies a great number; they brought their black troops against Savannah; the Rebels had a company or two against Burgoyne, and would have raised two regiments in South-Carolina, if the fear of leading the British into so wise a measure had not prevailed against Mr. Laurens, the advocate of the measure. Besides, the shock it gives to property will alarm your enemies in a most material manner. The caution and wisdom in executing this matter are the only things wanted to ensure it every possible success.

Let the creditors in this country receive some indemnification by other means for the hazard they run in this property, and let the loyalists be exempted from parting with their slaves, or be paid their full value.

In short, I am so possessed with the idea of the possibility of possessing the country I have described, that I am certain if it is properly attempted, your country will yet rejoice in victory. But what is to be expected from men and measures like the present; an assembly sat within thirty or forty miles of an army superior to the enemy, entered into a full discussion of their affairs, arranged their civil and military business, confiscated the property of a very considerable number of the loyalists, filled up their army lists, laid taxes for the support of their measures, and although they were upwards of six weeks on this business,

not

not a single attempt was made to interrupt them, except in a truly ridiculous proclamation, which the British General (in honour of his country) thought proper to continue under publication, before and after they had done all the mischief they could devise.

The four provinces I have named contain every *article that is valuable* in the commerce of Great-Britain, and *she* must be lost indeed, if *she* gives-up what it is still in *her* power to regain. Though the loyalists have reason to be greatly dissatisfied with men and measures, if these are changed, and a proper force and active measures are adopted, they will readily lend a helping hand to the mother country: but be assured all I have recommended must be speedily taken in hand; otherwise it will be, like every former matter, a day after the fair. What can be more fortunate for Great-Britain, than the annihilation of the paper-currency; in South-Carolina they have voted near 400,000 silver dollars for the continental quota for the present year; this is exclusive of their state contingencies. How much this will accumulate in an unsuccessful war need not be pointed-out to you. In South-Carolina they are collecting a number of confiscated negroes, and others, and are sending them off to North-Carolina, to be given as bounties for continental soldiers for the states of South-Carolina and Georgia; 800 are already (it is said) sent-off, and 400 more are to follow.

With respect to terms of peace, surely the possession of a country is far more likely to procure an advantageous one than the possession of garrisons, in which you only more evidently show your weakness, by not daring to venture out of them.

As a proof of the good effects of activity. In North-Carolina the whole force collected to take their Governor, and prevent the excursion of the garrison from Wilmington,

never exceeded 6 or 700 men under Butler and Rutherford, two of the most active and zealous partizans in that country. Lord Cornwallis and Major Craig had paroled a third of the people; but all these advantages were lost, by want of conduct elsewhere.—But how can Great-Britain contend against all the world? I confess this is a very awful question, and was it a true state of her situation, I should not hesitate to pronounce it impossible. But governments, like individuals, are governed by interest or passion. If Russia is worthy the alliance of your country, make it her interest to unite with you. Gibraltar and Minorca are small purchases for this country, and the West-Indies: for, depend on it, the latter will not remain long dependant, if the former has her Independance. All the fine speeches that were made in the former Spanish wars, on supporting these garrisons, appear to be very futile this war. In no instance have they answered our purpose. You will say they have divided the enemy's force, and engaged their attention. I acknowledge they have done this, but only to a degree, that by no means has prevented the enemy from being superior to us in every quarter. Give the last of these places to Russia, and let her assist you in this country. The diversion of force will still exist, and you have more strength to meet your enemy in another place; and for a peace with Spain, and a possession of Porto Rico, give up Gibraltar.

I have made-up my mind upon our publick situation; and I am thoroughly persuaded, that, however mistaken I may be in my plans, no one can more sincerely and heartily wish prosperity and glory to my country, than I do myself; and it will give me the highest pleasure, if any humble ideas of mine can contribute to rouse her from that infatuation that has so long guided her, and to restore her to that lustre and fame she formerly so justly possessed. If
my

my representation accords with your better judgment, I am sure your friendship for me will induce you to lay it before those whose sphere it is to give it effect.

But great naval exertions must be made to recover the dominion of the seas; exemplary punishments inflicted on those who have neglected their duty, and the utmost secrecy in all public measures; I mean in what relates to expeditions and plans against the enemy.

Much is lost in America for want of address and attention to those who join the British standard. The pride and vanity of the British military is little calculated for a people so much upon a level as they are in this country. It ought to be remembered, that the human heart is often gained by trifles, and it is a very common adage, that injuries are sooner forgot than insults. Firmness and uniformity are essential to all great undertakings, and never to recede from what is, in its own nature, just and proper. It is the highest folly to be denouncing threats and punishments one day, and the next relaxing.

The enemy are making preparations that indicate a design against Charles-Town. A siege or an evacuation is the general topic at present. For my own part, I have so bad an opinion of the judgement and conduct of those here, who guide the British affairs, that I am more afraid of the last. I don't think Green will undertake a regular siege, 'till a French naval force arrives to co-operate with him. We may be vulnerable in some places, and a great want of discipline prevailing, may induce him to attempt an enterprize against some of our sea-ports: It is very certain they have been building and collecting boats for some time; but perhaps this is only a preparation for the French. Be this as it may, no attempt whatever has been made by our people, either to destroy their boats and magazines, or to intercept their supplies either

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of stores or of cattle; and I am well informed, that Green was lately so distressed for the last, that he made a demand on North-Carolina for a large supply, to raise which each county was taxed in proportion to its capacity. A great consumption of provision took place whilst the French remained in the Chesapeak, to the great distress of the inhabitants.

THOUGHTS ON THE INDEPENDENCE OF AMERICA, AND
THE BEST MANNER OF ACKNOWLEDGING IT.

To the Printer of the PUBLIC ADVERTISER.

SIR,

Nov. 22, 1782.

AS the concession of Independence to the revolted provinces of North America seems to be the great object on which the restoration of peace depends—and there are difficulties attending this concession which still make some people averse to it, notwithstanding the urgent necessity of procuring peace upon any terms that are not absolutely ruinous to the nation, I beg leave to state to your readers a few reflections that have occurred to me upon the subject, and which may tend to remove or lessen those difficulties, and to dispose the nation to come into this most salutary measure heartily and speedily, and, if possible, with one accord.

I think it seems now to be pretty generally agreed, that there is no longer any reason to hope that we shall be able to reduce the Americans to obedience *by force*. What was not done in the years 1776 and 1777 with the great armies under General Howe and General Burgoyne against the Americans *alone*, while they were yet unused to war, can hardly be effected against them now, after they have been converted into a nation of soldiers by seven years' uninterrupted war, and when they are supported by the arms of three powerful European nations, the French, the Dutch, and the Spaniards, of whom the first are actually put in possession of the harbours of Boston and Rhode Island, and other important posts in those provinces. I shall not there-
fore

fore insist upon another observation, of the truth of which I am nevertheless most thoroughly persuaded; which is, "That if we could reduce them to obedience by main force, and *that* in the space of a single campaign, it would not be worth our while to do so; but that the expense and other inconveniences that would attend the keeping them in subjection after they had submitted, (which certainly could not be done without erecting and maintaining many fortified places throughout that extensive country, with a large standing army of forty, or at least thirty thousand men) would more than counterbalance all the advantages that would arise to us from their becoming again, in *this* manner, our fellow-subjects." If indeed it be true (as some gentlemen confidently assure us) that a great majority of the people in these provinces (as, for example, three-quarters, or four-fifths, or more) are really friends to Great Britain, and desirous of returning to their obedience to the Crown, and of renewing their old connection with us, I must confess that such a disposition would be a fortunate change in our favour, and would deserve to be cultivated. But let us not hastily believe that they are in such a disposition, while their publick actions and declarations all testify the contrary. Let their General Continental Congress and their Provincial Assemblies, (the members of which, we must remember, are not possessed of their power during their whole lives, like our House of Lords, nor even for seven years, like our House of Commons, but are chosen every year by the people, and who therefore ought not to be considered as factious or partial bodies of men, that pursue a separate interest from that of the people, and govern them in a manner contrary to their inclinations,) I say, let their Congress and Assemblies declare their willingness, (if they really are so inclined,) to return to their old connection with us, and I will agree that we ought to receive them with
open

open arms. But this is an event of which there seems not to be the smallest glimpse of hope. What then remains to be done but to *acquiesce* in the loss of these provinces, which in truth we *have* lost beyond all possibility of recovering them by a continuance of the war? And, to testify this acquiescence, it will be necessary to declare, in the most authentick manner, our readiness (in order to the restoration of peace) to acknowledge them as independent states, and to cultivate a friendly intercourse with them, in that new character, for our mutual advantage, and more especially in matters of commerce, in which we are capable of becoming of most benefit to each other.

But here a difficulty arises as to *the manner* of granting them Independence. It is said, I observe, by many people, (and, I believe, with truth,) that the king alone, without the concurrence of the parliament, cannot legally grant them Independence; for that he would thereby dismember the British empire, and alienate the hereditary dominions of the Crown, which they conceive to be beyond his power: "For, though," say they, "the king may, by virtue of his prerogative of making peace or war, restore, at a peace, a country newly conquered in the preceding war, of which such peace is a termination, (as he did, in fact, restore the islands of Martinique and Guadaloupe to the French king at the peace of Paris in February, 1763,) yet it does not follow that he may grant away the sovereignty of a country that has been *anciently* and *permanently* a part of the possessions of the crown of Great Britain,"--I grant all this to be so. But what then? Shall the thing, therefore, remain undone, notwithstanding the urgent importance of it to the welfare, or, rather, to the safety and preservation, of the nation? Surely this cannot be a just conclusion. But, since the authority of parliament is necessary in this business, let that authority be employed; yet, with

as great regard as possible to his Majesty's true and acknowledged prerogative of making war and peace, which is generally thought to be wisely lodged by the law, or constitution, in the executive branch of our Government. And let this be done openly and clearly, and not by using loose and general words in an Act of Parliament that makes no express mention of the Independence of the colonies, and by leaving the power of granting the said Independence, conferred by the statute on the Crown, to be collected from those words by uncertain implications, as is the case with the Act of the last session of Parliament, brought-in by Mr. Wallace, his Majesty's late Attorney-General. This indirect way of proceeding is not calculated to gain the confidence of the Americans, and to bring-about the desired reconciliation. The business should therefore be done in the fullest and plainest manner, to the end that the Americans may no longer doubt of the entire concurrence of Parliament to the Act whereon their future Independence is to be founded, and may no longer complain, or have the smallest pretence to complain, that our proceedings in this important transaction are in any degree obscure or insidious. And with this view I conceive it would be proper to pass an Act of Parliament to the following effect, namely, "To enable the King's Majesty, if
 "in his royal wisdom he shall so think fit, to absolve from
 "their allegiance to himself, his heirs and successors, all the
 "present inhabitants of the thirteen revolted provinces, to wit,
 "the province of Massachusetts's Bay, that of Connecticut,
 "that of Rhode Island, &c. (specifying them all with their
 "respective boundaries, accurately set-forth,) and to cede
 "unto the governing powers established in each of the said
 "provinces, all his Majesty's right of sovereignty over the
 "whole of such province, together with his right of property
 "in the soil of all such parts of the said provinces as have
 "not been legally granted-away under the authority of the
 "Crown,

"Crown before the month of July, in 1776, when the "vote of Independency was passed in the Continental Congress." All this is necessary to be expressed in such an Act of Parliament, in order to make the concession of Independence clear and compleat. For, if the inhabitants of the said provinces were only to be absolved from their allegiance, without also making them a grant of the king's right to the soil of the said provinces, the king might be supposed to retain a right to the soil, and to be at liberty, at some future time, to require the inhabitants of the said provinces, who would have been absolved from their allegiance, and would therefore be no longer subjects of the Crown of Great Britain, to withdraw themselves from his territories, and go and settle themselves elsewhere, wherever they thought fit, out of the dominions of the Crown of Great Britain. And, if the soil were to be granted to the said inhabitants, in the manner proposed, but without specifying the limits of the provinces so granted, disputes might afterwards arise concerning the extent of the territories of these new states, who, probably, would carry their claims as far as the South Sea, while Great Britain might be supposed to have reserved to herself her right to the lands about the river Ohio; and the five great lakes, Ontario, Erie, Huron, Michigan, and Superior; and, in general, to all that extensive country which, by the Act of Parliament of the year 1774, for regulating the government of the province of Quebec, was added to the former territory of that province. The limits, therefore, of the provinces, or territories, intended to be ceded to these new states, ought to be distinctly specified, as well as the King's rights over the said territories, to be expressly ceded to them.

Further, if the Act were made in the manner here suggested, that is, so as not immediately to grant Independency to the Americans while they are yet in arms against

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us, and we are not absolutely certain that they will lay-down their arms in consequence of the concession, but *only to enable the King to grant it to them, if he, in his royal wisdom, shall so think fit*, the parliament would avoid encroaching on the royal prerogative of making war and peace, and would only invest the King with the same compleat power of making peace with his revolted subjects in North-America, which he already enjoys by the Law, or Constitution, with respect to all the other states with whom we are at war; which power of making peace or war, it is generally thought, can be better exercised by the King alone, than by the King and Parliament conjointly. And, if his Majesty, after being thus enabled by his Parliament, should think fit to direct his minister at Paris to make this important concession to the Americans, the Americans would not have the smallest scruple concerning either its extent or its validity, but would proceed with confidence to treat of the other articles that might be necessary to a general peace with them and their allies.

I am,

Your most humble servant,

PACIFICUS.

F. M.

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THE
FIRST ROYAL CHARTER

GRANTED TO THE
COLONY OF THE MASSACHUSETTS BAY,
IN NORTH AMERICA,

IN THE FOURTH YEAR OF THE REIGN OF KING CHARLES THE FIRST;

From the first Copy of it that was ever published in print, which
was printed by the Direction of the late Mr. Israel Mauduit,
about the year 1775*.

CHARLES, by the Grace of God, King of England,
Scotland, France, and Ireland, Defender of the
Faith, &c.

To all to whom these Presents shall come, Greeting.

WHEREAS our most deare and royal Father, King ^{Recital of}
James, of blessed memory, by his Highness's letters ^{King}
patents beareing date at Westminster the third day of ^{James's}
November, in the eighteenth year of his reign, hath ^{grant to the}
given and granted unto the Councel established at ^{Council of}
Plymouth in the county of Devon, for the planting, ^{Plymouth.}
ruling, ordering, and governing, of New-England in ^{Novem. 2,}
America, and to their heirs and successours and assignes ^{18 Jac. 1.}
for ever: All that part of America lying and being, in
breadth, from fourty degrees of northerly latitude from
the equinoctiall line, to fourty-eight degrees of the said
northerly latitude inclusively, and, in length, of and

Description
of the land
granted.

* This first Charter of the Massachusetts Colony has never
been printed. There are very few Manuscript Copies of it.
Those are liable to so many accidents that it is thought proper
to publish it as the most likely means of preventing it's being
irrecoverably lost.—From Mr. Mauduit's printed copy of this
Charter.

within all the breadth aforesaid throughout the maine lands from sea to sea, together also with all the firme lands, soyles, grounds, havens, ports, rivers, waters, fishings, mines, and mineralls, as well royall mines of gould and silver, as other mines and mineralls, precious stoness, quarries, and all and singular other commodities, jurisdictions, privileges, franchises and preheminences, both within the said tract of land upon the maine, and also within the islands and seas adjoining. Provided always that the said islands, or any the premisses by the said letters patent intended and meant to be granted were not then actually possessed or inhabited by any other christian prince, or state, nor within the bounds, limits, or territories of the southern colonies, then before granted by our said deare father to be planted by divers of his loving subjects in the southern parts.

Provisor.

Habendum. To have, and to hold, possess, and enjoy all and singular the aforesaid continent, lands, territories, islands, hereditaments, and precincts, seas, waters, fishings, with all and all manner their commodities, royalties, liberties, preheminences, and profits that should from thenceforth arise from thence, with all and singular their appurtenances, and every part and parcel thereof, unto the said Council, and their successors and assignes for ever, to the sole and proper use, benefit, and behoof of them, the said Council, and their successors and assignes, forever: To be holden of our said most dear and royal Father, his heirs and successors, as of his manor of East-Greenwich in the county of Kent, in free and common soccage, and not in Capite nor by knights' service. Yielding and paying therefore to the said late King, his heirs and successors, the fifth part of the oare of gould and silver, which should from time to time, and at all times thereafter happen to be found, gotten, had,

Tenure.

had, and obtained, in, at, or within, any of the said lands, limits, territories, and precincts, or in or within any part or parcel thereof, for, or in respect of, all and all manner of duties, demands, and services whatsoever, to be done, made, or paid, to our said dear Father the late King, his heirs and successors; as in and by the said letters patent (amongst sundry other clauses, powers, privileges, and grants therein contained) more at large appeareth.

And whereas the said Council established at Plymouth in the county of Devon, for the planting, ruling, ordering and governing, of New-England in America, have, by their deed indented under their common seal, bearing date the nineteenth day of March last past, in the third year of our reign, given, granted, bargained, sold, enfeoffed, aliened and confirmed, to Sir Henry Rosewell, Sir John Young, knights, Thomas Southcott, John Humfrey, John Endicott and Symon Whetcomb, their heirs and associates forever, all that part of New-England in America aforesaid which lieth and extendeth between a great river there commonly called Monomack, alias Merimack, and a certain other river there called Charles river, being the bottom of a certain bay there commonly called Massachusetts, alias Mattachusetts, alias Massachusetts, bay, and also all and singular those lands and hereditaments whatsoever lying and being within the space of three English miles on the south part of the said Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the southward of the southernmost part of the said bay called Massachusetts, alias Mattachusetts, alias Massachusetts, bay, and also all those lands and hereditaments which lye and be within the space of

Recital of a grant of the province of the Massachusetts bay, (being part of the premisses before mentioned,) by the council of Plymouth, to Sir Henry Rosewell and others. March 19, 3 Car. 1.

three English miles to the northward of the said river called Monomack, alias Merrimack, or to the northward of any and every part thereof, and all lands and hereditaments whatsoever, lying within the limits aforesaid. north and south, in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from the Atlantic and western sea and ocean on the east part to the south sea on the west part, and all lands and grounds, place and places, soils, wood and wood grounds, havens, ports, rivers, waters, fishings, and hereditaments whatsoever, lying within the said bounds and limits, and every part and parcel thereof, and also all islands lying in America aforesaid in the said seas, or either of them, on the westerne or easterne coasts or parts of the said tracts of lands by the said indenture mentioned to be given, granted, bargained, sold, enfeoffed, aliened and confirmed, or any of them : And also all mines and mineralls, as well royall mines of gould and silver, as other mines and mineralls whatsoever, in the said lands and premisses or any part thereof : And all jurisdictions, rights, royalties, liberties, freedoms, immunities, privileges, franchises, preeminences, and commodities whatsoever, which they the said Councel established at Plymouth in the county of Devon for the planting, ruling, ordering, and governing, of New-England in America, then had, or might use, exercise, or enjoy, in and within the said lands and premisses by the said indenture mentioned to be given, granted, bargained, sold, enfeoffed and confirmed, or in, or within, any part or

Habendum. parcel thereof. To have and to hold the said part of New-England in America which lyeth and extends and is abutted as aforesaid, and every part and parcel thereof ; And all the said islands, rivers, ports, havens, waters,

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waters, fishings, mines and minerals, jurisdictions, franchises, royalties, liberties, priviledges, commodities, hereditaments and premisses whatsoever, with the appurtenances, unto the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endicott and Symon Whetcomb, their heirs and assignes, and their associates, to the only proper and absolute use and behoof of the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Symon Whetcomb, their heires and assignes, and associates forevermore. To be houlden ^{Tenure.} of us, our heirs and succeffors, as of our mannor of East Greenwich in the county of Kent, in free and common soccage and not in Capite, nor by knights service; yielding and paying therefore unto us our ^{Rent} heirs and succeffors, the fifth part of the oare of gould and silver which shall from time to time and at all limes hereafter happen to be found, gotten, had and obtained, in any of the said lands within the said limits, or in or within any part thereof, for and in satisfaction of all manner of duties, demands and services whatsoever, to be done, made or paid to us, our heirs or succeffors, as in and by the said recited indenture more at large may appear.

Now know ye, that we at the humble suite and petition of the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Symon Whetcomb, and of others whom they have associated unto them, Have, for divers good causes and considerations us moving, granted and confirmed, and by these presents, of our especiall grace, certain knowledge, and meere motion, do grant and confirm, unto the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcomb,

Confirmation of the said last-recited grant by the king.

combe, and to their associates hereafter named (videlicet) Sir Richard Saltonstall, Knt. Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, their heirs and assigns, all the said part of New England in America, lyeing and extending betwene the bounds and limits in the said recited indenture expressed, and all lands and grounds, place and places, soyles, wood and wood grounds, havens, ports, rivers, waters, mines, mineralls, jurisdictions, rights, royalties, liberties, freedoms, immunities, priviledges, franchises, preheminences, hereditaments and commodities, whatsoever, to them the said Sir Henry Roswell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott and Simon Whetcombe, their heirs and assigns, and to their associates, by the said recited indenture given, granted, bargained, sould, enfeoffed, aliened, and confirmed, or mentioned or intended thereby to be given, granted, bargained, sould, enfeoffed, aliened, and confirmed. To have and to hold the said part of New-England in America and the other premisses hereby mentioned to be granted and confirmed, and every part or parcell thereof, with the appurtenances, unto the said Sir Henry Roswell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel

Habendum.

Samuel Browne, Thomas Hutchins, William Vassal, William Pinchon, and George Foxcroft, their heirs and assignes for ever, to their only proper and absolute use and behoof for evermore. To be holden of us, Tenure. our heirs and successors, as of our mannor of East Greenwich aforesaid, in free and common soccage, and not in Capite nor by knights' service; and also yielding Rent. and paying therefore to us, our heirs and successors, the fifth part only of all oare of gould and silver, which from time to time, and at all times hereafter, shall be there gotten, had, or obtained, for all services, exactions, and demands whatsoever, according to the tenure and reservation in the said recited indenture expressed.

And further know ye, that, of our more especial grace, certain knowledge, and meere motion, we have given Grant of the same tract of land to the same persons by the king himself. and granted, and by these presents do, for us, our heirs, and successors, give and grant, unto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott John Humfrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, their heirs and assignes, all that part of New-England in America which lies and extends between a great river there, commonly called Monomack river, alias Merrymack river, and a certain other river there called Charles river, being in the bottom of a certain bay there commonly called Massachusetts, alias Mattachusetts, alias Massatusets, bay, and also all and singular those lands and heredi-

taments whatsoever lying within the space of three English miles on the south part of the said river called Charles river, or of any or every part thereof, and also all and singular the lands and hereditaments whatsoever lying and being within the space of three English miles to the south of the southernmost part of the said bay called Massachusetts, alias Mattachusetts, alias Massatusetts, bay; and also all those lands and hereditaments whatsoever, which lye and be within the space of three English miles to the northward of the said river called Monomack, alias Merrymack, or to the northward of any, and every part thereof, and all lands and hereditaments whatsoever lying within the limits aforesaid north and south in latitude and breadth, and in length and longitude of and within all the breadth aforesaid throughout the maine lands there from the Atlantick and western sea and ocean on the east part, to the south sea on the west parte, and all lands and grounds, place and places, soyles, wood, and wood grounds, havens, ports, rivers, waters, and hereditaments whatsoever lying within the said bounds and limits, and every part and parcel thereof, and also all islands in America aforesaid in the said seas or either of them on the western or eastern coastes, or partes of the said tracts of lands hereby mentioned to be given or granted, or any of them, and all mines and mineralls, as well royall mines of gould and silver as other mines and mineralls whatsoever, in the said lands and premisses, or any part thereof; and free liberty of fishing in or within any of the rivers or waters within the bounds and limits aforesaid and the seas thereunto adjoining; and all fishes, royal fishes, whales, balan, sturgeon, and other fishes of what kind

or

or nature soever that shall at any time hereafter be taken in or within the said seas or waters or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, their heirs and assignes, or by any other person, or persons whatsoever there inhabiting, by them, or any of them, appointed to fish therein. **Provided** *Proviso.* always, that, if the said lands, islands, or any other the premises herein before mentioned, and by these presents intended and meant to be granted, were at the time of the granting of the said former letters patents dated the third day of November, in the eighteenth yeare of our said deare father's reigne aforesaid, actually possessed, or inhabited, by any other christian prince or state, or were within the bounds, limits, or territories of that southerne colonie then before granted by our said late father, to be planted by divers of his loving subjects in the south parts of America, that then this present grant shall not extend to any such parts or parcells thereof, so formerly inhabited or lyeing within the bounds of the southern plantation as aforesaid, but as to those parts or parcells so possessed or inhabited by such christian prince or state, or being within the bounds aforesaid, shall be utterly voide, these presents or any thing therein contained, to the contrary notwithstanding. To have, and to hold, possess, and **Habendum.** enjoy

enjoy, the said parts of New-England in America, which lye, extend, and are abutted as aforefaid, and every part and parcell thereof, and all the iflands, rivers, ports, havens, waters, fifhings, fifhes, mines, minerals, jurisdictions, franchises, royalties, liberties, privileges, commodities, and premisses whatsoever, with the appurtenances, unto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonftall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, their heirs and assignes for ever, to the only proper and absolute use and behoofe of the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonftall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcrofte, their heirs and assignes forevermore. To be houlden of us, our heires and successeurs, as of our mannor of East Greenwich in the county of Kent, within our realme of England, in free and common foccage, and not in Capite, nor by knights' service, and also yeelding and paying therefore to us, our heirs and successeurs, the fifth part only of all oare of gould and silver, which from
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time to time, and at all times hereafter, shall be there gotten, had, or obtained, for all services, exactions, and demands whatsoever. Provided alwayes and our expresse will and meaneing is, that onely one-fifth part of the gould and silver oare above mentioned in the whole, and no more, be reserved or payeable unto us, our heirs and successours, by colour or vertue of these presents, the double reservations or recitals aforesaid, or any thing therein contained notwithstanding.

And, for as much as the good and prosperous success of the plantation of the said parts of New-England aforesaid, intended by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassal, William Pinchon, and George Foxcroft, to be speedily set-upon, cannot but chiefly depend, next under the blessing of Almighty God and the support of our royal authority, upon the good government of the same; to the end that the affairs and busineses which from time to time shall happen and arise concerning the said lands and the plantation of the same, may be the better managed and ordered: We have further hereby, of our especial grace, certain knowledge, and meere motion, given, granted, and confirmed, and for us, our heirs and successours, do give, grant and confirme, unto our said trustie and well-beloved subjects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcomb, Isaac

Necessity
of good
government to
the success
of the intended plan-
tation.

Incorporation of the
grantees of
the said
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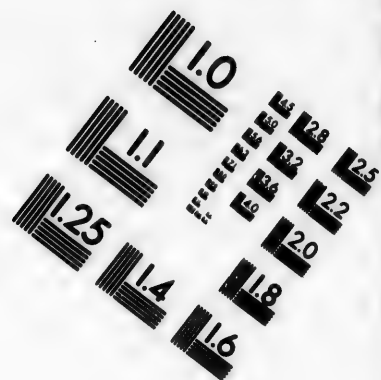
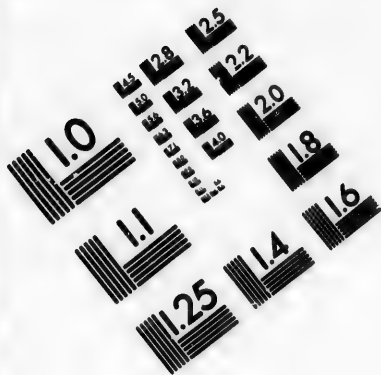
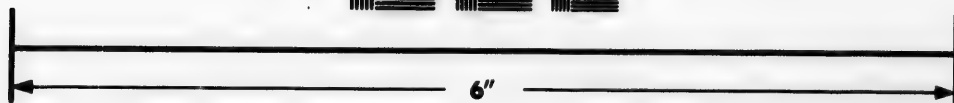
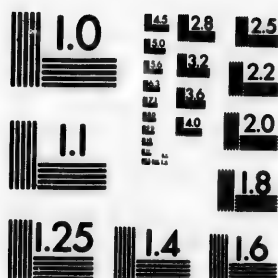


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Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, and for us, our heires and successeurs, wee will and ordaine : That the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcomb, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchon, and George Foxcroft, and all such others as shall hereafter be admitted and made free of the companie and society hereafter mentioned, shall, from time to time, and at all times forever hereafter, be, by virtue of these presents, one body corporate and politike in fact and name, by the name of *the Governor and Companie of the Massachusetts Bay in New-England*: And them by the name of *the Governor and Companie of the Massachusetts Bay in New-England*, one body politike and corporate in deed, fact, and name, wee doe, for us, our heirs, and successors, make, ordaine, constitute, and confirme by these presents; and that by that name they shall have perpetuall succession; and that by the same name they and their successors shall and may be capable and enabled, as well to impleade and to be impleaded, and to prosecute, demand, and answer, and be answered-unto, in all and singular suites,

Name of the
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Perpetual
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Capacity to
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suites, causes, quarrels, and actions, of what kind and
 nature soever; And also to have, take, possesse, acquire
 and purchase any lands, tenements, and hereditaments,
 or any goods, or chattells, and the same to lease, grant,
 demise, alien, bargain, sell, and dispose of, as other our
 leige people of this our realme of England, or any
 other corporation or body politique of the same, may
 lawfully doe. And further that the said Governor
 and companie and their successors may have forever
 one common seale to be used in all causes and occa-
 sions of the said Companie, and the same seale may
 alter, change, break and new-make from time to time
 at their pleasures.

Capacity to
 purchase
 lands or
 goods; and
 to grant or
 sell them.

A common
 Seal.

And our will and pleasure is, and we do hereby, for
 us, our heirs, and successors, ordaine and grant, that
 from henceforth for ever there shall be one Governor,
 one deputy-Governor, and eighteen Assistants, of the
 said Companie to be from time to time constituted,
 elected and chosen out of the freemen of the said Com-
 panie for the time beinge, in such manner and forme
 as hereafter in these presents is expressed. Which said
 officers shall apply themselves to take care for the best
 disposing and ordering of the generall busines and
 affaires of, for, and concerning, the said lands and pre-
 misses hereby mentioned to be granted, and the planta-
 tion thereof, and the government of the people there.

The go-
 vernment
 of the said
 corporation:

A Governor
 and eighteen
 Assistants.

Their power
 and duty.

And for the better execution of our royall pleasure and
 grant in this behalfe, we do by these presents, for us, our
 heires, and successors, nominate, ordain, make, and con-
 stitute our well-beloved, the said Matthew Craddock, to
 be the first and present Governor of the said Companie,
 and the said Thomas Goffe to be deputy-Governor of the
 said Companie, and the said Sir Richard Saltonstall, Isaac
 Johnson, Samuel Aldersey, John Ven, John Humfrey,

Nomination
 of the first
 Governor &
 Assistants.

John

John Endecott, Symon Whetcombe, Increase Nowell, Richard Perry, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcroft, William Vassall, and William Pinchon, to be the present Assistants of the said Companie, to continue in the said several offices respectively for such time and in such manner as in and by these presents is hereafter declared and appointed.

Power to assemble the said company.

And further we will, and, by these presents, for us, our heires, and successors, do ordaine and grant that the Governor of the said Companie for the time being, or in his absence, by occasion of sickness or otherwise, the deputy-Governor for the time being, shall have authority from time to time upon all occasions to give order for the assembling of the said Companie, and calling them together to consult and advise of the business and affaires of the said Companie.

Monthly courts or assemblies of the Governor and Assistants.

And that the said Governor, deputy-Governor, and Assistants of the said Companie for the time being shall, or may, once every month, or oftener at their pleasures, assemble and hold and keep a court, or assembly of themselves, for the better ordering and directing of their affairs. And that any seven, or more, persons of the Assistants, together with the Governor, or deputy-Governor, so assembled shall be said, taken, held, and reputed to be, and shall be, a full and sufficient court or assembly of the said Company, for the handling, ordering, and dispatching of all such businesses and occurrents, as shall from time to time happen, touching or concerning the said Companie or plantation. And that there shall, or may, be held and kept by the Governor or deputy-Governor of the said Companie, and seven, or more, of the said Assistants for the time being, upon every last Wednesday in Hillary, Easter, Trinity and

Four general courts of the said company in a year.

Michael-

Michaelmas Terms respectively for ever, one great, generall and solemn assembly; which four generall assemblies shall be styled and called *the four greates and generall courts of the said Company*: In all or any of which said greates and generall courts so assembled, We do, for us, our heires and successours, give and grant to the said Governour and Companie and their successours, that the Governour, or in his absence the deputy-Governour, of the said Companie for the time being, and such of the Assistants and freemen of the said Companie as shall be present, or the greater number of them so assembled, (whereof the Governour or deputy-Governour, and six of the Assistants at the least, to be seven,) shall have full power and authority to choose, nominate, and appoint such and so many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admit: and to elect and constitute such officers as they shall thinke fitt and requisite for the ordering, managing, and dispatching of the affaires of the said Governor and Companie and their successours: and to make lawes and ordinances for the good and welfare of the said Companie, and for the government and ordering of the said lands and plantation, and the people inhabiteing and to inhabite the same, as to them from time to time shall be thought meete: So as such lawes and ordinances be not contrary or repugnant to the laws and statutes of this our realme of England.

Power to elect freemen of the said company.

And to elect officers of the same.

And to make laws and ordinances for the same: the said laws not being repugnant to the laws of England.

And our will and pleasure is, and we do hereby for us, our heirs and successours, establish and ordaine; That yearly once in the yeare forever hereafter, namely, the last Wednesday in Easter terme yearly, the Governour, deputy-Governour and Assistants, shall be chosen every year at Easter.

ants

ants of the said Companie, and all other officers of the said Companie shall be, in the generall court, or assemblie, to be held for that day or time, newly chosen for the yeare insueing by such greater part of the said Companie for the time being, then and there present, as is aforesaid.

Manner of
supplying
vacancies in
the offices
of the said
company
occasioned
by deaths or
removals.

Power given
to the com-
pany to re-
move their
officers for
misbehavi-
our.

And if it shall happen that the present Governour, deputy-Governour and Assistants by these presents appointed, or such as shall hereafter be newly chosen into their rooms, or any of them, or any other of the officers to be appointed for the said Companie, shall die, or be removed from his or their severall offices or places before the said generall day of election, (whom we do hereby declare for any misdemeanor, or defect, to be removable by the Governour, deputy-Governour, Assistants, and Companie, or such greater part of them in any of the publick courts to be assembled as is aforesaid) that then, and in every such case it shall and may be lawfull to and for the Governour, deputy-Governour, Assistants, and Companie, aforesaid, or such greater part of them so to be assembled as is aforesaid, in any of their assemblies, to proceed to a new election of one or more others of their company, in the rooms or places of such officer or officers so dyeing or removed, according to their discretions. And immediately upon and after such election and elections made of such Governour, deputy-Governour, Assistant, or Assistants, or any other officer of the said Companie, in manner and forme aforesaid, the authority, office, and power before given to the former Governour, deputy-Governour, or other officer and officers, so removed, in whose stead and place new officers shall be so chosen, shall, as to him and them, and every of them, cease and determine.

Provided

Provided also, and our will and pleasure is, that as well
 such as are by these presents appointed to be the present
 Governour, deputy-Governour, and Assistants of the
 said Companie, as those that shall succeed them, and
 all other officers to be appointed and chosen as aforesaid,
 shall, before they undertake the execution of their said
 offices and places respectively, take their corporal
 oathes for their due and faithful performance of their
 duties in their severall offices and places, before such
 person or persons as are by these presents hereunder
 appointed to take and receive the same, that is to say,
 the said Matthew Craddock, who is hereby nominated
 and appointed the present Governour of the said Com-
 panie, shall take the said oathes before one or more of
 the Masters of our Court of Chancery for the time be-
 ing, unto which Master or Masters of the Chancery
 we do by these presents give full power and authority
 to take and administer the said oath to the said Gover-
 nour accordingly. And after the said Governour shall
 be sworne, then the said deputy-Governour and Assist-
 ants before by these presents nominated and appointed,
 shall take the said severall oathes, to their offices and
 places respectively belonging, before the said Matthew
 Craddock the present Governour, so sworne as afore-
 said. And every such person as shall at the time of the
 annual election, or otherwise, upon death or removall,
 be appointed to be the new Governour of the said
 Companie, shall take the oathes to that place belonging,
 before the deputy-Governour or two of the Assistants
 of the said Companie, at the least, for the time being.
 And the new-elected deputy-Governour and Assistants,
 and all other officers to be hereafter chosen as aforesaid
 from time to time, shall take the oathes to their places
 respectively belonging before the Governour of the said
 Companie

The officers
 of the com-
 pany shall
 take an oath
 of office,

er officers
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 Companie,
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 Governour,
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 ermine,

Provided

Companie for the time being. Unto which said Governour, deputy-Governour, and Assitants, we do by these presents give full power and authority to give and administer the said oathes respectively, according to the true meaning herein before-declared, without any commission or further warrant to be had and obtained of us, our heirs, and successors, in that behalfe.

Power to carry over to New-England such persons as are willing to go thither; together with cattle and other things necessary for their subsistence.

And we do further, of our especiall grace, certain knowledge, and meere motion, for us, our heirs, and successors, give and grant to the said Governour and Companie, and their successors, for ever, by these presents, that it shall be lawful and free for them and their assignes, at all and every time and times hereafter, out of any of our realmes and dominions whatsoever, to take, lead, carry, and transport for, in, and into their voyages, and for and towards the said plantation in New-England, all such and so many of our loving subjects, or any strangers that will become our loving subjects, and live under our allegiance, as shall willingly accompany them in the same voyages and plantation, and also shipping, armour, weapons, ordinance, ammunition, powder, shott, corne, victuals, and all manner of clothing, implements, furniture, beasts, cattle, horses, mares, merchandizes, and all other things necessary for the said plantation, and for their use and defence, and for trade with the people there, and in passing and returning to and fro, any law or statute to the contrary hereof in any wise notwithstanding, and without paying or yeelding any custome or subsidie, either inward or outward, to us, our heirs, or successors, for the same, by the space of seven yeares from the day of the date of these presents. Provided that none of the said persons be such as shall be hereafter by special name restrained by us, our heires, and successors.

Exemption from the payment of customs or subsidies in England for seven years.

And

And for their further encouragement, of our especial grace and favour, we do, by these presents, for us, our heires, and successours, yeeld and grant to the said Governour and Companie, and their successours, and every of them, their factors and assignes, that they, and every of them, shall be free and quit from all taxes, subsidies, and customes in New-England for the like space of seven yeares; and from all taxes and impositions for the space of twenty and one yeares upon all goods and merchandises at any time or times hereafter, either upon importation thither, or exportation from thence, into our realme of England, or into any other of our dominions, by the said Governour and Companie, and their successours, their deputies, factors, and assignes, or any of them, except only the five pounds *per centum* due for custome upon all such goods and merchandises, as after the said seven yeares shall be expired shall be brought or imported into our realme of England, or any other of our dominions, according to the ancient trade of merchants, which five pounds *per centum* onely being paid, it shall be thenceforth lawfull and free for the said adventurers, the same goods and merchandizes, to export and carry out of our said dominions into foreign parts, without any custome, taxe or other duty to be paid to us, our heires and successours, or to any other officers or ministers of us, our heirs and successours. Provided that the said goods and merchandizes be shipped-out within thirteen months after their first landing within any part of the said dominions.

And we do, for us, our heires, and successours, give and grant unto the said Governour and Companie, and their successours, that, whensoever, or so often as any custome or subsidie shall grow due or payable unto us, our heirs, and successours, according to the limitation

Exemption from taxes and customes in New-England for seven years; and from all duties upon importation or exportation of goods, except 5 per cent upon goods imported into England, or the other dominions of the crown, for a further term of twenty-one years.

Proviso. Liberty of re-exporting the said goods into foreign parts, within thirteen months after their first landing.

And

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and

Six months
time shall
be allowed
for the
payment of
one half of
the cus-
toms.

Provision
against a
fraudulent
exportation
of goods to
foreign
countries,
under a pre-
tence of car-
rying them
to New-
England.

and appointment aforesaid, by reason of any goods, wares, or merchandises to be shipped-out, or any return to be made of any goods, wares, or merchandises, unto or from the said parts of New-England hereby mentioned to be granted as aforesaid, or any the lands and territories aforesaid, that then and so often and in such case the farmers, customers, and officers of our customs of England and Ireland, and every of them for the time being, upon request made to them by the said Governour and Company, or their successors, factors, or assignes, and upon convenient security to be given, in that behalfe, shall give and allowe unto the said Governour and Companie and their successors, and to all and every person or persons free of that Companie as aforesaid, six months time for the payment of the one halfe of all such custome and subsidie as shall be payable unto us, our heires, and successors, for the same; for which these our letters patents, or the duplicate or the inrollment thereof, shall be unto our said officers a sufficient warrant and discharge. Nevertheless, our will and pleasure is, that any of the said goods, wares, and merchandises, which be, or shall be, at any time hereafter landed or exported out of any of our realmes aforesaid, and shall be shipped with a purpose not to be carried to the parts of New-England aforesaid, but to some other place, that then such payment, dutie, custome, imposition, or forfeiture shall be paid or belong to us, our heires and successors, for the said goods, wares and merchandise so fraudulently sought to be transported, as if this our grant had not been made or granted.

And we do further will, and, by these presents, for us, our heires and successors, firmly enjoin and commande, as well the Treasurer, Chancellor, and Barons of the Exchequer of us, our heires and successors, as also all
and

and singular the customers, farmers, and collectors of the customs, subsidies, and imposts, and other the officers and ministers of us, our heires, and successors, whatsoever for the time being, that they and every of them, upon the showing-forth unto them of these letters patents, or the duplicate or exemplification of the same, without any other writ or warrant whatsoever from us, our heirs, or successors, to be obtained or sued-forth, do and shall make full, whole, entire and due allowance and cleare discharge unto the said Governour and Companie, and their successors, of all customs, subsidies, impositions, taxes, and duties whatsoever, that shall, or may, be claymed by us, our heires, and successors, of, or from, the said Governour and Companie, and their successors, for, or by reason of, the said goods, chattels, wares, merchandises and premises, to be exported out of our said dominions, or any of them, into any part of the said lands or premises hereby mentioned to be given, granted, and confirmed, or for, or by reason of, any of the said goods, chattels, wares, or merchandises, to be imported from the said lands and premises hereby mentioned to be given, granted and confirmed, into any of our said dominions, or any part thereof, as aforesaid, excepting only the said five pounds *per centum* hereby reserved and payable after the expiration of the said terme of seven years as aforesaid, and not before. And these our letters patents, or the inrollment, duplicates, or exemplification of the same, shall for ever hereafter, from time to time, as well to the Treasurer, Chancellor, and Barons of the Exchequer of us, our heires, and successors, as to all and singular the customers, farmers, and collectors of the customs, subsidies, and imposts, of us, our heires, and successors, and all searchers and other the officers and ministers whatsoever of us, our

Warrant to the officers of the Exchequer and Customs to allow to the said company the exemptions above-mentioned.

heires;

heires, and successors, for the time being, be a sufficient warrant and discharge in this behalfe.

Persons that shall be born in the lands hereby granted shall be considered as natural born subjects.

And further our will and pleasure is, and we doe hereby for us, our heires, and successors, ordain, declare, and grant to the said Governour and Companie, and their successors, That all and every the subjects of us, our heires, or successors, which shall goe to and inhabite within the said lands and premisses hereby mentioned to be granted, and every of their children which shall happen to be borne there, or on the seas in going thither or returning from thence, shall have and enjoy all liberties and immunities of free and naturall subjects within any of the dominions of us, our heires, or successors, to all intents, constructions, and purposes whatsoever, as if they and every of them were borne within the realme of England. And that the Governour and deputy-Governour of the said Companie for the time being, or either of them, and any two, or more, of such of the said Assistants as shall be thereunto appointed by the said Governour and Companie at any of their courts, or assemblies to be held as aforesaid, shall and may, at all tymes, and from tyme to tyme, hereafter, have full power and authority to administer and give the oath and oathes of supremacie and allegiance, or either of them, to all and every person or persons which shall at any tyme, or tymes, hereafter goe or passe to the lands and premisses hereby mentioned to be granted, to inhabite in the same.

Power to make laws and ordinances, not contrary to the laws of England.

And wee do, of our further grace, certaine knowledge, and meere motion, give and grant to the said Governour and Companie, and their successors, that it shall and may be lawfull to and for the Governour, or deputy-Governour, and such of the Assistants and Freemen of the said Companie for the tyme being as shall be assembled

sembled in any of their generall courts aforesaid, or in any other courts to be specially summoned and assembled for that purpose, or the greater part of them (whereof the Governour, or deputy-Governour, and five of the Assistants, to be always seven) from tyme to tyme to make, ordaine, and establish all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, not contrary to the lawes of this our realme of England, as well for the settling of the formes and ceremonies of government and magistracie fitt and necessary for the said plantation and the inhabitants there, and for nameing and styling of all sorts of officers both superiour and inferiour, which they shall find needful for that government and plantation, and the distinguishing and setting-forth of the severall duties, powers, and limits of every such office and place, and the formes of such oathes, warrantable by the lawes and statutes of this our realme of England, as shall be respectively ministred unto them, for the execution of the said severall offices and places; as also for the disposing and ordering of the elections of such of the said officers as shall be annuall, and of such others as shall be to succeed in case of death or removal, and ministring the said oathes to the new-elected officers; and for imposition of lawful fines, mulcts, imprisonment, or other lawful correction, according to the course of other corporations in this our realme of England; and for the directing, ruleing, and disposing of all other matters and things whereby our said people inhabiting there may be so religiously, peaceably, and civilly governed, as their good life and orderly conversation may winne and invite the natives of that country to the knowledge and obedience of the onely true God and Saviour of mankind, and the Christian faith,

All such laws, published in writing under the common seal of the company, shall be observed and executed.

which in our royall intention and the adventurers free profession is the principal end of this plantation. Willing, commanding, and requiring, and by these presents for us, our heires and successors, ordaineing and appointing, that all such orders, lawes, statutes and ordinances, instructions and directions, as shall be made by the Governour or deputy-Governour of the said Company, and such of the Assistants and Freemen as afore said, and published in writing under their common seale, shall be carefully and duely observed, kept, performed, and putt in execution, according to the true intent and meaneing of the same. And these our letters patents, or the duplicate, or exemplification, thereof, shall be, to all and every such officers, superiour and inferiour, from tyme to tyme, for the putting of the same orders, lawes, statutes and ordinances, instructions and directions, in due execution, against us, our heires and successors, a sufficient warrant and discharge.

The Governour and other officers employed by the company in New-England shall govern the inhabitants thereof according to the said laws.

And we do further, for us, our heirs, and successors, give and grant to the said Governour and Companie, and their successors, by these presents, That all and every such chiefe commanders, captains, governours, and other officers and ministers, as by the said orders, lawes, statutes, ordinances, instructions, or directions, of the said Governour and Companie for the tyme being, shall be from tyme to tyme hereafter employed either in the government of the said inhabitants and plantation, or in the way by sea thither or from thence, according to the natures and limits of their offices and places respectively, shall from tyme to tyme hereafter forever within the precincts and parts of New-England hereby mentioned to be granted and confirmed, or in the way by sea thither, or from thence, have full and absolute power and authority to correct, punish, pardon,

upon,

don, governe and rule all such, the subjects of us, our heirs, and successors, as shall from tyme to tyme adventure themselves in any voyage thither or from thence, or that shall at any tyme hereafter inhabite within the precincts and parts of New-England aforesaid, according to the orders, lawes, ordinances, instructions and directions aforesaid, not being repugnant to the lawes and statutes of our realme of England as aforesaid.

And wee do further, for us, our heires, and successors, give and grant to the said Governour and Companie, and their successors, by these presents, That it shall and may be lawful to and for the chief commanders, governours, and officers of the said companie for the tyme being, who shall be resident in the said part of New-England in America by these presents granted, and others there inhabiting, by their appointment and direction from tyme to tyme and at all tymes hereafter, for their speciall defence and safety to encounter, repulse, repell, and resist, by force of arms, as well by sea as by land, and by all fitting wayes and meanes whatsoever, all such person and persons as shall at any tyme hereafter attempt or enterprize the destruction, invasion, detriment, or annoyance of the said plantation or inhabitants: And to take and surprize by all wayes and meanes whatsoever all and every such person and persons, with their shipps, armour, munition, and other goods, as shall in hostile manner invade and attempt the defeatinge of the said plantation, or the hurt of the said companie and inhabitants. Nevertheless, our will and pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that, if any person or persons which shall hereafter be of the said companie or plantation, or any other by lycense or appointment of the said Governour and Companie

Power to the officers of the said company resident in the premises hereby granted, and to the other inhabitants of the same, to defend themselves by force of arms against invaders.

Provision for the case of injuries committed by the members of the said company against

for

others of
the king's
subjects, or
the subjects
of any other
prince or
state.

for the tyme being, shall, at any time or times, hereafter, robb or spoyle by sea or by land, or do any hurt, violence, or unlawful hostility to any of the subjects of us, our heirs, or successors, or any of the subjects of any Prince or State being then in league and amity with us, our heirs, and successors, and that upon such injury done, and upon just complaint of such Prince or State, or their subjects, wee, our heires, or successors, shall make open proclamation within any of the parts within our realme of England commodious for that purpose, that the person or persons having committed any such robbery or spoyle, shall, within the terme limited by such a proclamation, make full restitution or satisfaction of all such injuries done, so as the said Princes or others so complaining may hould themselves fully satisfied and contented. And that if the said person or persons having committed such robbery or spoyle shall not make, or cause to be made, satisfaction accordingly, within such tyme so to be lymitted, that then it shall be lawful for us, our heires, and successors, to putt the said person or persons out of our allegiance and protection; and that it shall be lawful and free for all Princes to prosecute with hostility the said offenders and every of them, their, and every of their, procurers, ayders, abettors, and comforters, in that behalfe.

Provisoe
reserving to
the king's
other sub-
jects the
right of fish-
ing on the
coast of the
premisses
hereby
granted.

Provided also, and our expresse will and pleasure is, and wee do, by these presents, for us, our heires and successors, ordaine and appoint, that these presents shall not in any manner enure, or be taken, to abridge, barre, or hinder any of our loving subjects whatsoever to use and exercise the trade of fishing upon the coasts of New-England in America by these presents mentioned to be granted: But that they, and every or any of them, shall have full and free power and liberty to
continue

continue and use their said trade of fishing upon the said coast in any of the seas thereunto adjoineing, or any armes of the seas or salt-water rivers where they have beene wont to fish, and to build and set-up upon the lands by these presents granted such wharves, stages, and workhouses as shall be necessary for the salting, drying, keeping, and packing-up of their fish to be taken or gotten upon that coast; and to cut-downe and take such trees and other materialls there growing, or being, as shall be needful for that purpose, and for all other necessary easements, helpes, and advantages, concerning their said trade of fishing there, in such manner and forme as they have been heretofore at any tyme accustomed to doe, without makeing any wilful waste or spoyle, any thing in these presents contained to the contrary notwithstanding.

And we do further, for us, our heires, and successors, ordaine and grant the said Governour and Companie, and their successors, by these presents, that these our letters patents shall be firme, good, effectual, and available in all things, and to all intents and constructions of lawe, according to our true meaning herein before declared, and shall be construed, reputed, and adjudged in all cases most favourably on the behalfe and for the benefit and behoofe of the said Governour and Companie and their successors; although expresse mention of the true yearly value, or certainty, of the premisses, or any of them, or of any other gifts or grants, by us or any other of our progenitors or predeceffors, to the foresaid Governour and Companie before this time made, in these presents is not made; or any statute, act, ordinance, provision, proclamation, or restraint to the contrary thereof heretofore had, made, published, ordained or provided, or any other matter, cause, or thing

These letters patent shall be good in law, and shall be construed in favour of the company, notwithstanding any omissions or imperfections in them, or any former statute, or other acts of authority, to the contrary.

thing whatsoever to the contrarie thereof in any wise notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness ourselves at Westminster, the fourth Day of March in the fourth yeare of our reigne.

This is a true copy of such letters patents under the great seal of England. In testimony whereof, I, John Winthrop, Governour of the Mattachufetts afore said, have caused the publick seal of the same to be hereunto affixed this 19th day of the month called March, 1643-4.

*Locus
Sigilli.*

JOHN WINTHROP, GOVERNOUR.

THE
SECOND ROYAL CHARTER
OF THE
COLONY OF THE MASSACHUSETTS BAY
IN NORTH AMERICA,
GRANTED BY
KING WILLIAM AND QUEEN MARY,
IN THE THIRD YEAR OF THEIR REIGN.

SEPTIMA PARS PATENTIIUM, DE ANNO REGNI REGIS GULIELMI
TERTII ET MARIE REGINÆ TERTIO.

WILLIAM and MARY, by the Grace of God, &c. Recital of
to all to whom these presents shall come, greeting. a grant of
land in
North-
America,
made by
king James
the First to
the Council
of Ply-
mouth in
the 18th
year of
his reign.

Whereas his late majesty King James the First, our royal
predecessor, by his letters patents under the great seal
of England, bearing date at Westminster on the third
day of November in the eighteenth year of his reign, did
give and grant unto the Council established at Plymouth
in the county of Devon, for the planting, ruling, order-
ing, and governing of New-England in America, and
to their successors and assigns, all that part of America
lying and being, in breadth, from forty degrees of
northerly latitude from the equinoctial line, to the forty-
eighth degree of the said northerly latitude inclusively,
and, in length, of and within all the breadth aforesaid,
throughout all the main lands from sea to sea; together
with all the firm lands, soils, grounds, havens, ports,
rivers, waters, fishings, mines and minerals, as well
royal mines of gold and silver, as other mines and
minerals, precious stones, quarries, and all and singular
other commodities, jurisdictions, royalties, privileges,
franchises,

franchises, and pre-eminences, both within the said tract of land upon the main, and also within the islands and seas adjoining; provided always, that the said lands, islands, or any the premises by the said letters patents intended and meant to be granted, were not then actually possessed or inhabited by any other Christian prince or state, or within the bounds, limits, or territories of the southern colony then before granted by the said late King James the First, to be planted by divers of his subjects in the south parts: to have and to hold, possess and enjoy all and singular the foresaid continent, lands, territories, islands, hereditaments and precincts, seas, waters, fishings, with all, and all manner of, their commodities, royalties, liberties, pre-eminences and profits that should from thenceforth arise from thence, with all and singular their appurtenances, and every part and parcel thereof, unto the said Council, and their successors and assigns, for ever, to the sole and proper use and benefit of the said Council, and their successors and assigns for ever: to be holden of his said late Majesty King James the First, his heirs and successors, as of his manor of East-Greenwich in the county of Kent, in free and common soccage, and not *in capite*, nor by knights' service: yielding and paying therefore to the said late king, his heirs and successors, the fifth part of the ore of gold and silver, which should, from time to time, and at all times then after, happen to be found, gotten, had and obtained, in, at, or within, any of the said lands, limits, territories or precincts, or in, or within, any part or parcel thereof, for, or in respect of, all and all manner of duties, demands, and services whatsoever, to be done, made, or paid to the said late King James the First, his heirs and successors; as in, and by, the said letters patents, amongst sundry other

other clauses, powers, privileges, and grants, therein contained, more at large appeareth.

And whereas the said Council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New-England in America, did, by their deed indented under their common seal, bearing date the nineteenth day of March in the third year of the reign of our royal grandfather king Charles the First, of ever-blessed memory, give, grant, bargain, sell, entfeoff, alien, and confirm to Sir Henry Rosewell, Sir John Young, knights, Thomas Southcott, John Humphreys, John Endicott, and Simon Whetcombe, their heirs and assigns, and their associates for ever, all that part of New-England in America aforesaid, which lies and extends between a great river there commonly called Monomack alias Merrimack, and a certain other river there called Charles river, being a bottom of a certain bay there commonly called Massachusets, alias Mattachusets, alias Massatusets, bay; and also all and singular those lands and hereditaments whatsoever, lying within the space of three English miles on the south part of the said Charles river, or of any and every part thereof; and also all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward of the southernmost part of the said bay called the Massachusets, alias Mattachusets, alias Massatusets, bay; and also all those lands and hereditaments whatsoever which lie and be within the space of three English miles to the northward of the said river called Monomack, alias Merrimack, or to the northward of any and every part thereof; and all lands and hereditaments whatsoever, lying within the limits aforesaid, north and south in latitude and in breadth, and in length

The Council at Plymouth granted Massachusetts bay to Sir Henry Rosewell and others, in fee simple; in 3 Car. 1.

length and longitude, of and within all the breadth
aforesaid, throughout the main lands there from the
Atlantick and western sea and ocean on the east part,
to the south sea on the west part; and all lands and
grounds, place and places, soil, woods and wood-
grounds, havens, ports, rivers, waters, fishings and
hereditaments, whatsoever, lying within the said
bounds and limits, and every part and parcel thereof;
and also all islands lying in America aforesaid, in the
said seas, or either of them, on the western or eastern
coasts or parts of the said tracts of land by the said
indenture mentioned to be given and granted, bargain-
ed, sold, enfeoffed, aliened and confirmed, or any of
them; and also all mines and minerals, as well royal
mines of gold and silver, as other mines and minerals
whatsoever, in the said lands and premises, or any
part thereof; and all jurisdictions, rights, royalties,
liberties, freedoms, immunities, privileges, franchises,
pre-eminences, and commodities whatsoever, which
they the said Council established at Plymouth, in the
county of Devon, for the planting, ruling, ordering,
and governing of New-England in America, then had
or might use, exercise or enjoy, in or within the said
land and premises, by the same indenture mentioned
to be given, granted, bargained, sold, enfeoffed, and
confirmed in, or within, any part or parcel thereof; to
have and to hold the said part of New-England in
America, which lies and extends, and is abutted as
aforesaid, and every part and parcel thereof, and all
the said islands, rivers, ports, havens, waters, fishings,
mines, minerals, jurisdictions, franchises, royalties,
liberties, privileges, commodities, hereditaments and
premises whatsoever, with the appurtenances, unto the
said Sir Henry Rosewell, Sir John Young, Thomas
Southcott,

Habendum:

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Southcott, John Humphreys, John Endicott, and Simon Whetcombe, their heirs and assigns, and their associates for ever, to the only proper and absolute use and behoof of the said Sir Henry Roswell, Sir John Young, Thomas Southcott, John Humphreys, John Endicott, and Simon Whetcombe, their heirs and assigns, and their associates for evermore; to be holden *Tenendum.* of our said royal Grandfather king Charles the First, his heirs and successors, as of his manor of East Greenwich in the county of Kent, in free and common soccage, and not *in capite*, nor by knights service; yielding and paying therefore unto our said royal *Redden-*
Grandfather, his heirs and successors, the fifth part of *dum.* the ore of gold and silver, which should, from time to time, and at all times hereafter, happen to be found, gotten, had and obtained in any of the said lands within the said limits, or in or within any part thereof, for and in satisfaction of all manner of duties, demands and services whatsoever to be done, made or paid to our said royal Grandfather, his heirs or successors, (as in and by the said recited indenture may more at large appear).

And whereas our said royal Grandfather, in and by his letters patents under the great Seal of England, bearing date at Westminster the fourth day of March in the fourth year of his reign, for the consideration therein mentioned, did grant and confirm unto the said Sir Henry Roswell, Sir John Young, Tho. Southcott, John Humphreys, John Endicott, and Simon Whetcombe, and to their associates after named; viz. Sir Ralph Saltenstall, knight, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassal, Theophilus

The king confirmed this grant by letters patent, in 4 Car. I:

ophilus Eaton, Thomas Golfe, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vassal, William Pincheon, and George Foxcroft, their heirs and assigns, all the said part of New-England in America, lying and extending between the bounds and limits in the said indenture expressed, and all lands and grounds, place and places, soils, woods and wood-grounds, havens, ports, rivers, waters, mines, minerals, jurisdictions, rights, royalties, liberties, freedoms, immunities, privileges, franchises, pre-eminences, and hereditaments whatsoever, bargained, sold, enfeoffed and confirmed, or mentioned or intended to be given, granted, bargained, sold, enfeoffed, aliened and confirmed, to them the said Sir Henry Roswell, Sir John Young, Thomas Southcott, John Humphrey, John Endicott, and Simon Whetcombe, their heirs and assigns, and to their associates for ever, by the said

Habendum. recited indenture; to have and to hold the said part of New-England in America; and other the premises thereby mentioned to be granted and confirmed, and every part and parcel thereof, with the appurtenances, to the said Sir Henry Roswell, Sir John Young, Sir Richard Saltenstall, Thomas Southcott, John Humphrey, John Endicott, Simon Whetcombe, Isaac Johnson, Samuel Alderfey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Golfe, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vassall, William Pincheon and George Foxcroft, their heirs and assigns for ever, to their only proper and absolute use and behoof for evermore; to be holden of our said royal Grandfather, his heirs and successors, as of his manor of East Greenwich aforesaid,

Tenendum.

said, in free and common soccage, and not *in capite*, nor in knights service; and also yielding and paying therefore to our said royal Grandfather, his heirs and successors, the fifth part only of all the ore of gold and silver, which from time to time, and at all times after, should be there gotten, had or obtained, for all services, exactions and demands whatsoever, according to the tenor and reservation in the said recited indenture expressed.

Redden-
dam.

And further our said royal Grandfather, by the said letters patents, did give and grant unto the said Sir Henry Roswell, Sir John Young, Sir Richard Salterstall, Thomas Southcott, John Humphreys, John Endicott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Golsce, Thomas Adams, John Brown, Samuel Brown, Thomas Hutchins, William Vassall, William Pincheon and George Foxcroft, their heirs and assigns, all that part of New-England in America which lies and extends between a great river there, commonly called Monomack, alias Merrimack, river, and a certain other river there, called Charles river being in the bottom of a certain bay there, commonly called Massachusetts, alias Mattachusetts, alias Massatusetts, Bay, as also all and singular those lands and hereditaments whatsoever, lying within the space of three English miles on the South part of the said River called Charles River, or of any or every part thereof; and also all and singular those lands and hereditaments whatsoever, lying and being within the space of three English miles to the Southward of the Southernmost part of the said bay, called Massachusetts, alias Mattachu-

And granted the same lands over again to the new grantees, or assignees, Sir Henry Roswell and others.

sets, alias Massatufetts, Bay ; and also all those lands and hereditaments whatsoever, which lie and be within the space of three English miles to the northward of the said river, called Monomack, alias Merrimack, or to the Northward of any and every part thereof, and all lands and hereditaments whatsoever, lying within the limits aforesaid, North and South in latitude and in breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from the Atlantick, or Western, sea and ocean, on the East part, to the South-Sea on the West part ; and all lands and grounds, place and places, soils, woods and wood-lands, havens, ports, rivers, waters and hereditaments whatsoever, lying within the said bounds and limits, and every part and parcel thereof ; and also all islands in America aforesaid, in the said seas, or either of them, or the Western or Eastern coasts, or parts of the said tracts of lands thereby mentioned to be given and granted, or any of them ; and all mines and minerals, as well royal mines of gold and silver, as other mines and minerals whatsoever, in the said lands and premises, or any part thereof ; and free liberty of fishing in, or within, any of the rivers or waters within the bounds and limits aforesaid, and the seas thereunto adjoining ; and all fishes, royal fishes, whales, balene, sturgeons, and other fishes of what kind or nature soever, that should at any time hereafter be taken in, or within, the said seas or waters, or any of them, by the said Sir Henry Rosewell, Sir John Young, Sir Richard Saltenstall, Thomas Southcott, John Humphreys, John Endicott, Simond Whetcombe, Isaac Johnson, Samuel Alderfey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Bellingham, Thomas Wright, Samuella Vassall, Theophilus Eaton,

Thomas

Thomas Golfe, Thomas Adams, John Brown, Samuel Browne, Tho. Hutchins, William Vassall, William Pincheon, and George Foxcroft, their Heirs or Assigns, or by any other person or persons whatsoever there inhabiting, by them, or any of them, to be appointed to fish therein. ^{Proviso.} Provided always, that if the said lands, islands, or any of the premises before-mentioned, and by the said letters patents last-mentioned, intended and meant to be granted, were, at the time of the granting the said former letters patents, dated the third day of November, in the eighteenth year of the reign of his late Majesty King James the First, actually possessed or inhabited by any other Christian Prince or State, or were within the bounds, limits or territories of the said Southern Colony then before granted by the King, to be planted by divers of his loving subjects in the South parts of America, that then the said grant of Our said Royal Grandfather should not extend to any such parts or parcels thereof, so formerly inhabited or lying within the bounds of the Southern Plantation as aforesaid; but as to those parts or parcels so possessed or inhabited by any such Christian Prince or State, or being within the boundaries aforesaid, should be ^{Habendum.} utterly void; to have, hold, possess, and enjoy, the said parts of New-England in America, which lie, extend, and are abutted as aforesaid, and every part and parcel thereof, and all the islands, rivers, ports, havens, waters, fishings, fisheries, mines, minerals, jurisdictions, franchises, royalties, liberties, privileges, commodities, and premises whatsoever, with the appurtenances, unto the said Sir Henry Roswell, Sir John Young, Sir Richard Saltenstall, Thomas Southcott, John Humphreys, John Endicott, Simond Whetcombe, Isaac Johnson, Samuel Alderfey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Per-

ry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Golfe, Thomas Adams, John Brown, Samuel Browne, Thomas Hutchins, William Vassall, William Pincheon, and George Foxcroft, their Heirs and Assigns for ever, to the only proper and absolute use and behoof of the said Sir Henry Roswell, Sir John Young, Sir Richard Saltenfall, Thomas Southcott, John Humphreys, John Endicott, Symond Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Golfe, Thomas Adams, John Brown, Samuel Browne, Thomas Hutchins, William Vassall, William Pincheon, and George Foxcroft,

Tenendum. their Heirs and Assigns for evermore; to be holden of our said Royal Grandfather, his Heirs and Successors, as of his manor of East-Greenwich in the county of Kent, within the realme of England, in free and common soccage, and not *in capite*, nor by Knights service; and also yielding and paying thereof to Our said Royal Grandfather, his Heirs and Successors, the fifth part only of all the ore of gold and silver, which from time to time, and at all times hereafter, should be gotten, had or obtained, for all services, exactions and demands whatsoever: Provided always, and his Majesty's express will and meaning was, that only that one fifth part of all the gold and silver ore abovementioned in the whole and no more, should be answered, reserved or payable unto our said Royal Grandfather, his Heirs and Successors, by colour or virtue of the said last-mentioned letters patents, the double reservations or recitals aforesaid, or any thing therein contained notwithstanding.

Redden-
dum.

And to the end that the affairs and business, which
from

from time to time should happen and arise, concerning the lands and plantations of the same, might be the better managed and ordered, and for the good government thereof, Our said Royal Grandfather, King Charles the First, did, by his said letters patent, create and make the said Sir Henry Roswell, Sir John Young, Sir Richard Saltenstall, Thomas Southcott, John Humphreys, John Endicott, Symond Whetcombe, Ifaac Johnson, Samuel Alderfey, John Ven, Matthew Craddock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassall, and Theophilus Eaton, Thomas Golfe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pincheon and George Foxcroft, and all such others as should thereafter be admitted and made free of the company and Society therein after-mentioned, one body corporate and politick in fact and name, by the name of the Governour and Company of the Massachusetts Bay in New-England; and did grant unto them, and their Successors, divers powers, liberties, and privileges, as in and by the said letters patents may more fully and at large appear.

And whereas the said Governour and Company of the Massachusetts Bay in New England, by virtue of the said letters patents, did settle a Colony of the English in the said parts of America, and divers good subjects of this kingdom, encouraged and invited by the said letters patents, did transport themselves and their effects into the same, whereby the said plantation did become very populous; and divers counties, townes, and places were created, erected, named, set forth, or designed, within the said parts of America, by the said Governour and Company for the time being.

Incorporation of the grantees, Sir Henry Roswell &c. and their successors, by the name of the Governour and company, of the Massachusetts Bay in New England.

The repeal
of the former
charter, in 36
Cor. 2.

And whereas in the term of the Holy Trinity, in the thirty-sixth year of the reign of Our dearest uncle King Charles the Second, a judgment was given in Our Court of Chancery, then sitting at Westminster, upon a writ of *Scire Facias*, brought and prosecuted in the said Court, against the Governour and Company of the Massachusetts Bay in New England; and that the said letters patents of Our said Royal Grandfather King Charles the First, bearing date at Westminster the fourth day of March, in the fourth year of his reign, made and granted to the said Governour and company of the Massachusetts Bay in New England, and the enrollment of the same should be cancelled, vacated, and annihilated, and should be brought into the said Court to be cancelled (as in and by the said judgment remaining upon record in the said Court doth more at large appear.)

The petition
of the inhabitan-
ts of M ssa-
chusets bay,
to king
William
for a new
Charter.

And whereas several persons employed as Agents in behalf of Our said Colony of the Massachusetts Bay in New-England have made their humble application unto Us, that We would be graciously pleased by our Royal Charter, to incorporate Our subjects in Our said Colony, and to grant and confirm unto them such powers, privileges and franchises, as in Our Royal wisdom should be thought most conducing to Our interest and service, and to the welfare and happy state of Our subjects in New-England, and we being graciously pleased to gratify our said subjects, and also to the end that Our good subjects within Our Colony of New-Plymouth in New-England aforesaid, may be brought under such a form of Government as may put them in a better condition of defence; and considering that the granting, as well unto them as unto Our subjects in the said Colony of the Massachusetts Bay, Our Royal Charter, with reasonable powers and privileges, will much tend, not only to the safety
but

but to the flourishing estate of Our subjects in the said parts of New-England; and also to the advancing the ends for which the said plantations were at first encouraged; of Our especial grace, certain knowledge, ^{The new} and mere motion, have willed and ordained, and We ^{grant.} do by these presents for us, our Heirs and Successors, will and ordain, that the Territories and colonies, commonly called or known by the names of the Colony of ^{The new boundaries of the Colony, or Province, of the Massachusetts bay, in New-England.} the Massachusetts-Bay, and Colony of New-Plymouth, the Province of Main, the Territory called Accadia, or Nova-Scotia, and all that tract of land lying between the said Territories of Nova-Scotia, and the said province of Main, be united, erected, and incorporated; and we do by these presents unite, erect, and incorporate the same into one real Province, by the name of our *Province of the Massachusetts Bay in New-England*; and of our special grace, certain knowledge, and mere motion, we have given and granted, and, by these presents, for us, our Heirs and successors, do give and grant unto our said subjects, the inhabitants of Our said Province, or Territory, of the Massachusetts Bay, and their Successors, all that part of New-England in America, lying and extending from the great river commonly called Monomack, alias Merrimack, and the North part, and from three miles northward of the said river, to the Atlantic, or western, sea, or ocean, on the south part; and all the lands and hereditaments whatsoever lying within the limits aforesaid, and extending as far as the uttermost points or promontories of land called Cape Cod and Cape Malabar north and south, and in latitude and breadth, and in length and longitude, of and within all the breadth and compass aforesaid, throughout the main land there, from the said Atlantic, or Western, Sea and ocean on the east part, towards the South Sea or Westward,

ward as far as our colonies of Rhode Island, Connecticut, and the Narrowganfet country; and also that part and portion of Main land beginning at the entrance of Piscataway harbour, and so passing up the same into the river of Newickewannocke, and through the same into the furthest head thereof, and from thence North-westward till one hundred and twenty miles be finished, and from Piscataway harbour mouth aforesaid, North-eastward along the sea-coast to Sagadahock, and from the period of one hundred and twenty miles aforesaid, to cross over land to the one hundred and twenty-miles before reckoned-up into the lands from Piscataway harbour through Newickannocke river; and also the North half of the Isles of Shoals, together with the Isles of Chappawock and Nantuckett, near Cape Cod aforesaid; and also the lands and hereditaments lying and being in the Country or Territory commonly called Accadia or Nova-Scotia; and all those lands and hereditaments lying and extending between the said Country or Territory of Nova-Scotia and the said river of Sagadahock, or any part thereof; and all lands, grounds, places, soils, woods and wood-grounds, havens, ports, rivers, waters, and other hereditaments and premises whatsoever, lying within the said bounds and limits aforesaid, and every part and parcel thereof; and also all Islands and Islets lying within ten leagues directly opposite to the main land within the said bounds, and all Mines and Mineralls, as well Royal Mines of gold and silver, as other Mines and Minerals whatsoever, in the said lands and premises, or any part thereof; to have and to hold the said Territories, tracts, countries, lands, hereditaments, and all and singular other the premises, with their and every of their appurtenances, to our said subjects, the inhabitants of our said

Habendum.

said province of the Massachusetts Bay in New-England,
 and their successors, to their only proper use and be-
 behoof for evermore; to be holden of us, our heirs and
 successors, as of our manor of East Greenwich in the
 County of Kent, by fealty only, in free and common
 soccage, yielding and paying therefore yearly, to us, our
 heirs and successors, the fifth part of all gold and silver
 ore and precious stones, which shall from time to time,
 and at all times hereafter, happen to be found, gotten,
 had and obtained, in any of the said lands and pre-
 mises, or within any part thereof: Provided neverthe-
 less, and we do for us, our heirs and successors, grant
 and ordain, that all and every such lands, tenements,
 hereditaments, and other estates, which any person or
 persons, or bodies politick or corporate, towns, villages,
 colleges, or schools, do hold and enjoy, or ought to
 have, hold and enjoy, within the bounds aforesaid, by
 or under any grant or estate duly made or granted by
 any General Court formerly held, or by virtue of the
 letters patents herein before-recited, or by any other
 lawful right or title whatsoever shall be by such person
 and persons, bodies politick and corporate, towns, vil-
 lages, colleges, or schools, their respective Heirs, Suc-
 cessors and Assigns, for ever hereafter held and enjoyed
 according to the purport and intent of such respective
 grant, under and subject nevertheless to the rents and
 services thereby reserved or made payable; any mat-
 ter or thing whatsoever to the contrary notwithstanding.
 And provided also, that nothing herein contained shall
 extend, or be understood or taken, to impeach or pre-
 judice any right, title, interest, or demand, which
 Samuel Allen, of London, Merchant, claiming from and
 under John Mason, Esquire, deceased, or any other per-
 son, or persons, hath, or have, or claimeth or claim, to
 have,

Tenendum.

Proviso in
 favour of
 grants made
 under the
 authority
 of the for-
 mer Char-
 ter of King
 Charles the
 First.

have, hold or enjoy, of in to or out of any part or parts of the premises situate within the limits above-mentioned; but that the said Samuel Allen, and all and every such person and persons, may and shall have, hold and enjoy the same, in such manner (and no other than) as if these presents had not been had or made, it being our further will and pleasure, that no grants or conveyances of any lands, tenements or hereditaments to any towns, colleges, schools of learning, or to any private person or persons, shall be judged, or taken, to be avoided, or prejudiced, for, or by reason of, any want, or defect, of form, but that the same stand and remain of force, and be maintained, adjudged, and have effect in such manner as the same should, or ought, before the time of the said recited judgement, according to the laws and rules then and there usually practised and allowed.

A Governour, Lieutenant-Governour, and Secretary of the Province to be appointed by the king.

And we do further, for us, our heirs and successors, will, establish, and ordain, that from henceforth for ever there shall be one Governour, one Lieutenant, or Deputy, Governour, and one Secretary, of our said Province or Territory, to be from time to time appointed and commissioned by us, our heirs and successors, and eight-and-twenty-Assistants or Councillors, to be advising and assisting to the Governour of our said Province or Territory for the time being, as by these presents is hereafter directed and appointed, which said Council and Assistants are to be constituted, elected and chosen, in such form and manner as hereafter in these presents is expressed.

Twenty-eight Councillors.

And for the better execution of our royal pleasure and grant in this behalf, We do, by these presents, for us, our Heirs and Successors, nominate, ordain, make and constitute, our trusty and well beloved Simon Broadstreet, John Richards, Nathaniel Saltentell, Wait Winthrop,

Winthrop, John Philips, James Russell, Samuel Sewall, Samuel Apleton, Bartholomew Gedney, John Hawthorne, Elisha Hutchins, Robert Pike, Jonathan Curwin, John Jolliffe, Adam Winthrop, Richard Middlecot, John Foster, Peter Serjeant, Joseph Lynd, Samuel Heyman, Stephen Mafon, Thomas Hinkely, William Bradford, John Walley, Barnabas Lowthrop, Job Alcot, Samuel Daniel, and Silvanus Davies, Esquires, the first and present Counsellors or Assistants of our said Province, to continue in their said respective offices or trusts of Counsellors or Assistants until the last Wednesday in May, which shall be in the year of our Lord One thousand Six hundred Ninety-three, and until other Counsellors or Assistants shall be chosen and appointed in their stead, in such manner as in these presents is expressed.

And We do further, by these presents, constitute and appoint our trusty and well-beloved Isaac Addington, Esquire, to be our first and present Secretary of our said province during our pleasure.

And our will and pleasure is, that the Governour of our said province, for the time being, shall have authority from time to time, at his discretion, to assemble and call-together the Counsellors, or Assistants, of our said province, for the time being; and that the said Governour, with the said Assistants, or Counsellors, or seven of them at least, shall and may, from time to time, hold and keep a Council for the ordering and directing the affairs of our said province.

The Governour to have power to assemble the Council at his discretion.

Seven Counsellors at least, must be present at every meeting of the Council.

And further, we will, and, by these presents, for Us, Our heirs and successors, do ordain and grant, that there shall and may be convened, held, and kept, by the Governour for the time being, upon every last Wednesday in the month of May every year for ever, and at all

A General Court, or Assembly, to be held every year.

such

Deputies
to this As-
sembly to
be chosen
by the free-
holders of
the pro-
vince.

Qualifica-
tion of the
electors.

Oaths to be
taken by the
persons
elected.

such other times as the Governor of our said province shall think fit and appoint, a Great and General Court or Assembly; which said Great and General Court, or Assembly, shall consist of the Governour and Council, or Assistants, for the time being, and of such freeholders of our said province, or territory, as shall be from time to time elected, or deputed, by the major part of the freeholders, and other inhabitants of the respective towns and places, who shall be present at such elections; each of the said towns and places being hereby impowered to elect and depute two persons, and no more, to serve for and represent them respectively in the said Great and General Court or Assembly, to which Great and General Court or Assembly, to be held as aforesaid, We do hereby for Us, Our heirs and successors, give and grant full power and authority, from time to time, to direct, appoint and declare, what number of each county, town, and place, shall elect and depute to serve for and represent them respectively in the said Great and General Court or Assembly, provided always, that no freeholder, or other person, shall have a vote in the election of Members to serve in any Great and General Court or Assembly, to be held as aforesaid, who, at the time of such election, shall not have an estate of freehold in land, within our said province or territory, of the value of forty shillings *per annum* at least, or other estate to the value of fifty pounds sterling; and that every person who shall be so elected, shall, before he sit or act in the said Great and General Court or Assembly, take the oath mentioned in the act of parliament made in the first year of Our reign, intituled, "An act for the abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths," and thereby appointed to be taken instead of the Oaths of Allegiance

ance

ance and Supremacy, and shall make, repeat and subscribe, the declaration mentioned in the said act, before the Governor, or Lieutenant or Deputy-Governor, or any two of the assistants, for the time being, who shall be thereunto authorised and appointed by our said Governor; and that the Governor, for the time being, shall have full power and authority from time to time, as he shall judge necessary, to adjourn, prorogue and dissolve, all Great and General Courts or Assemblies, met or convened as aforesaid.

The Governor may adjourn, prorogue, or dissolve, the Assemblies at his pleasure.

And Our will and pleasure is, and We do hereby for us, our heirs and successors, grant, establish and ordain, that yearly, once in every year for ever hereafter, the aforesaid number of eight and twenty Counsellors or Assistants shall be by the General Court or Assembly newly chosen; that is to say, eighteen at least of the inhabitants or proprietors of lands within the territory formerly called the colony of the Massachusetts Bay, and four at the least of the inhabitants of, or proprietors of lands, within the territory formerly called New Plymouth, and three at the least of the inhabitants of, or proprietors of lands within the territory formerly called the Province of Main, and one at the least of the inhabitants of, or proprietors of lands within, the territory lying between the river Sagadahoc and Nova-Scotia; and that the said Counsellors or Assistants, or any of them, shall or may, at any time hereafter, be removed and displaced, from their respective places or trust of Counsellors or Assistants, by any Greater General Court or Assembly; and that, if any of the said Counsellors or Assistants shall happen to die, or be removed as aforesaid, before the General day of election, that then, and in every such case, the Great and General Court or Assembly, at their first sitting, may

The counsellors are to be chosen annually by the Assembly.

may proceed to a new election of one or more Counsellors or Assistants, in the room or place of such Counsellors or Assistants so dying or removed.

The Governour and Council are to appoint the judges, and other officers of justice.

And We do further grant and ordain, that it shall and may be lawful for the said Governour, with the advice and consent of the Council or Assistants, from time to time, to nominate and appoint Judges, Commissioners of Oyer and Terminer, Sheriffs, Provosts-Marschals, Justices of the Peace, and other officers to our Council and Courts of Justice belonging: provided always that no such nomination or appointment of officers be made without notice first given, or summons issued out, seven days before such nomination or appointment, unto such of the said Counsellors, or Assistants, as shall be at that time residing within our said province.

Oaths to be taken by the Governour and the officers.

And Our will and pleasure is, that the Governour, and Lieutenant, or Deputy, Governour, and Counsellors, or Assistants, for the time being, and all other officers to be appointed or chosen as aforesaid, shall, before the undertaking of the execution of their offices and places respectively, take their severall and respective oaths for the due and faithful performance of their duties in their severall and respective offices and places; as also the oaths appointed by the said act of parliament, made in first year of our reign, to be taken instead of the oaths of allegiance and supremacy; and shall make, repeat, and subscribe, the declaration mentioned in the said act, before such person or persons as are by these presents herein after appointed; (that is to say) the Governour of our said province, or territory, for the time being, shall take the said oaths, and make, repeat, and subscribe, the said declaration, before the Lieutenant, or Deputy, Governour, or, in his absence, before any two

or

or more of the said persons hereby nominated and appointed the present Counsellors, or Assistants, of our said province or territory, to whom We do, by these presents, give full power and authority to give and administer the same to our said Governour accordingly; and, after our said Governour shall be sworn, and shall have subscribed the said declaration, that then our Lieutenant, or Deputy, Governour, for the time being, and the Counsellors, or Assistants, before by these presents nominated and appointed, shall take the said oaths, and make, repeat, and subscribe the said declaration before our said Governour; and that every such person, or persons, as shall (at the time of the annual elections, or otherwise upon death or removal) be appointed to be the new Counsellors or Assistants, and all other Officers to be hereafter chosen from time to time, shall take the oaths, to their respective offices and places belonging, and also the said oaths appointed by the said act of parliament to be taken instead of the oaths of allegiance and supremacy; and shall make, repeat, and subscribe the declaration mentioned in the said act, before the Governour, or Lieutenant-Governour, or any two, or more, Counsellors, or Assistants, or such other person, or persons, as shall be appointed thereunto by the Governour for the time being, to whom We do therefore, by these presents, give full power and authority from time to time to give and administer the same respectively, according to our true meaning herein before-declared, without any commission, or further warrant, to be had and obtained from us, our heirs, and successors, in that behalf.

And our will and pleasure is, and We do hereby require and command, that all and every person and persons, hereafter by us, our heirs, and successors, nominated,

All future
Governours
and Lieute-
nant Govern-
ours, and
Secretaries,
of the pro-
vince, shall
take the
same oaths.

nated and appointed to the respective offices of Governour, or Lieutenant, or Deputy, Governour, and Secretary, of our said province or territory, (which said Governour, or Lieutenant, or Deputy, Governour, and Secretary, of our said province or territory, for the time being, We do hereby reserve full power and authority to us, our heirs, and successors, to nominate and appoint accordingly,) shall, before he or they be admitted to the execution of their offices, take as well the oaths for the due and faithful performance of the said offices respectively, as also the oaths appointed by the said act of parliament, made in the said first year of our reign, to be taken instead of the said oaths of allegiance and supremacy; and shall also make, repeat, and subscribe the declaration appointed by the said act, in such manner, and before such persons, as aforesaid.

The chil-
dren of the
king's sub-
jects that
shall be
born in the
said pro-
vince shall
have the
same rights
and privi-
leges as if
they had
been born
in England.

And further, our will and pleasure is, and we do hereby for us, our heirs, and successors, grant, establish, and ordain, that all and every of the subjects of us, our heirs, and successors, which shall go to, and inhabit within, our said province and territory, and every of their children, which shall happen to be born there, or on the seas in going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs, and successors, to all intents, constructions, and purposes whatsoever, as if they and every of them were born within this our realm of England.

And for the greater ease and encouragement of our loving subjects inhabiting our said province, or territory, of the Massachusetts-bay, and of such as shall come to inhabit there, we do, by these presents, for us, our heirs, and successors, grant, establish, and ordain, that for ever
hereafter,

hereafter, there shall be a liberty of conscience allowed in the worship of God to all Christians (except papists) inhabiting, or which shall inhabit or be resident, within our said province, or territory. And we do hereby grant and ordain, that the Governour, or Lieutenant, or Deputy, Governour, of our said province, or territory, for the time being, or either of them, or any two, or more, of the Council, or Assistants, for the time being, that shall be thereunto appointed by the said Governour, shall and may at all times, and from time to time hereafter, have full power and authority to administer and give the oaths appointed by the said act of Parliament, made in the first year of our reign, to be taken instead of the oaths of allegiance and supremacy, to all and every person and persons which are now inhabiting or residing within our said province or territory, or which shall at any time or times hereafter go or pass thither.

And we do, of our further grace, certain knowledge, and mere motion, grant, establish, and ordain, for us, our heirs and successors, that the Great and General Court, or Assembly, of our said province, or territory, for the time being, convened as aforesaid, shall for ever have full power and authority to erect and constitute Judicatories, and Courts of Record, or other Courts, to be held in the name of us, our heirs, and successors, for the hearing, trying, and determining of all and all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things whatsoever, arising or happening within our said province, or territory, or between persons inhabiting or residing there, whether the same be criminal or civil, and whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixt; and for the awarding and making-out of execution thereupon: to which

Liberty of
conscience-
in the wor-
ship of God
for all Chris-
tians in the
province,
except Pa-
pists.

The Gene-
ral Assem-
bly may
erect Courts
of Justice.

Courts and Judicatories, we do hereby, for us, our heirs, and successors, give and grant full power and authority, from time to time, to administer oaths, for the better discovery of truth in any matter in controversy, or depending before them.

The Governour and Council may grant probates of wills and letters of administration.

And we do, for us, our heirs, and successors, grant, establish, and ordain, that the Governour of our said province or territory for the time being, with the Council, or Assistants, may do, execute, or perform all that is necessary for the probate of wills, and granting of administrations, for, touching, or concerning, any interest or estate, which any person or persons shall have within our said province, or territory.

Appeals from the courts of justice to the king in council.

Conditions of such appeals.

And whereas we judge it necessary, that all our subjects should have liberty to appeal to us, our heirs, and successors, in cases that may deserve the same, we do, by these presents, ordain, that in case either party do not rest satisfied with the judgement or sentence of any judicatories or courts within our said province or territory, in any personal action, wherein the matter in difference doth exceed the value of three hundred pounds sterling, that then he, or they, may appeal to us, our heirs, and successors, in our, or their, privy-council; provided that such appeal be made within fourteen days after the sentence, or judgement, given; and that, before such appeal be allowed, security be given by the party or parties appealing, in the value of the matter in difference, to pay or answer the debt or damages, for which the judgement, or sentence, is given, with such costs and damages as shall be awarded by us, our heirs, or successors, in case the judgement, or sentence, be affirmed: and provided also, that no execution shall be staid, or suspended, by reason of such appeal unto us, our heirs, and successors, in our or their privy-council,

so

so as the party suing, or taking-out, execution do, in the like manner, give security to the value of the matter in difference, to make restitution, in case the said judgement or sentence be reversed or annulled, upon the said appeal.

And we do further, for us, our heirs, and successors, give and grant to the said Governour, and the Great or General Court, or Assembly, of our said province, or territory, for the time being, full power and authority, from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without (so as the same be not repugnant or contrary to the laws of this our realm of England) as they shall judge to be for the good and welfare of our said province or territory, and for the government and ordering thereof, and of the people inhabiting, or who shall inhabit, the same, and for necessary support and defence of the government thereof.

The General Assembly may make laws,

under certain restrictions.

And we do for us, our heirs, and successors, give and grant, that the said General Court, or Assembly, shall have full power and authority to name and settle, annually, all civil officers within the said province, such officers excepted, the election and constitution of whom we have, by these presents, reserved to us, our heirs, and successors, or to the Governour of our said province for the time being; and to set-forth the several duties, powers, and limits, of every such officer to be appointed by the said general court, or assembly, and the forms of such oaths, not repugnant to the laws and statutes of this our realm of England, as shall be respectively administered unto them for the execution of their several offices and places; and also to impose

It has likewise the power of electing annually all civil officers.

And of imposing fines and other punishments; and of levying taxes.

fines, mulcts, imprisonments, and other punishments; and to impose and levy proportionable and reasonable assessments, rates, and taxes, upon the estates and persons of all and every the proprietors or inhabitants of our said province or territory, to be issued and disposed of by warrant under the hand of the Governour of our said province for the time being, with the advice and consent of the Council, for our service, in the necessary defence and support of our government of our said province or territory, and the protection and preservation of the inhabitants there, according to such acts as are or shall be in force within our said province; and to dispose of matters and things, whereby our subjects, inhabitants of our said province, may be religiously, peaceably, and civilly governed, protected, and defended, so as their good life, and orderly conversation, may win the Indians, natives of the country, to the knowledge and obedience of the only true God and Saviour of Mankind, and the Christian Faith, which his late majesty, our royal grandfather, king Charles the First, in his said letters patents declared was his royal intention, and the adventurers free profession to be the principal end of the said plantation; and for the better securing and maintaining liberty of conscience hereby granted to all persons at any time being and residing within our said province, or territory, as aforesaid, willing, commanding, and requiring, and by these presents, for us, our heirs, and successors, ordaining and appointing, that all such orders, law, statutes and ordinances, instructions and directions, as shall be so made and published under our seal of our said province or territory, shall be carefully and duly observed, kept, and performed, and put in execution, according to the true intent and meaning of these presents.

Provided

Provided always, and we do, by these presents, for us, ^{The Governour to have a negative voice both in the Council and Assembly.} our heirs, and successors, establish and ordain, that in the framing and passing of all such orders, laws, statutes, and ordinances, and in all elections and acts of government whatsoever, to be passed, made, or done, by the said general Court, or Assembly, or Council, the Governour of our said province, or territory, of the Massachusetts-bay in New-England, for the time being, shall have the negative voice; and that without his consent or approbation, signified and declared in writing, no such orders, laws, statutes, ordinances, elections, or other acts of government whatsoever, so to be made, passed, or done, by the said General Assembly, or in Council, shall be of any force, effect, or validity; any thing herein contained to the contrary in any wise notwithstanding.

And we do for us, our heirs, and successors, establish, ^{The acts of Assembly are to be transmitted to the king, to be by him approved or disallowed.} and ordain, that the said orders, laws, statutes and ordinances, be by the first opportunity, after the making thereof, sent, or transmitted, unto us, our heirs, and successors, under the public seal to be appointed by us, for our or their approbation or disallowance; and that in case all, or any of them, shall, at any time within the space of three years next after the same shall have been presented to us, our heirs, and successors, in our, or their, privy-council, be disallowed and rejected, and so signified by us, our heirs, and successors, under our, or their, sign-manual and signet, or by order in our, or their, privy-council, unto the Governour for the time being, then such and so many of them as shall be so disallowed and rejected, shall thenceforth cease and determine, and become utterly void, and of none effect: Provided always, that in case we, our heirs, or successors,

Provided

fors, shall not, within the term of three years after the presenting of such orders, laws, statutes or ordinances, as aforesaid, signify our or their disallowance of the same, then the said orders, laws, statutes, or ordinances, as aforesaid, shall be and continue in full force and effect, according to the true intent and meaning of the same, until the expiration thereof, or that the same shall be repealed by the general assembly of our said province for the time being: Provided also, that it shall and may be lawful for the said Governour and general assembly, to make, or pass, any grant of lands lying within the bounds of the colonies formerly called the colonies of the Massachusetts-Bay, and New-Plymouth, and province of Main, in such manner as heretofore they might have done by virtue of any former charter or letters patents; which grants of lands, within the bounds aforesaid, we do hereby will and ordain to be and continue for ever of full force and effect, without our further approbation or consent; and so as nevertheless, and it is our royal will and pleasure, that no grant or grants of any lands, lying or extending from the river of Sagadahock to the gulf of St. Laurence and Canada rivers, and to the main sea northward and eastward, to be made, or passed, by the Governour and general assembly of our said province, be of any force, validity, or effect, until we, our heirs, and successors, shall have signified our, or their, approbation of the same.

Power of
making
grants of
lands
within
certain
bounds,

and under
certain
restrictions.

Power to the
Governour
to array the
militia.

And we do by these presents for us, our heirs, and successors, grant, establish, and ordain, that the Governour of our said province, or territory, for the time being, shall have full power, by himself, or by any chief commander, or other officer or officers, to be appointed

appointed by him for time to time, to frame, instruct, exercise, and govern, the Militia there, and, for the special defence and safety of our said province or territory, to assemble in martial array, and put in warlike posture, the inhabitants of our said province or territory, and to lead and conduct them, and with them to encounter, expulse, repel, resist, and pursue, by force of arms, as well as by sea as by land, within or without the limits of our said province or territory, and also to kill, slay, destroy, and conquer, by all fitting ways, enterprizes, and means whatsoever, all and every such person or persons as shall, at any time hereafter, attempt, or enterprize, the destruction, invasion, detriment, or annoyance, of our said province or territory; and to use and exercise the law-martial in time of actual war, invasion, or rebellion, as occasion shall necessarily require; and also from time to time to erect forts, and to fortify any place or places, within our said province or territory, and the same to furnish with all necessary ammunition, provisions, and stores of war for offence or defence, and to commit from time to time the custody and government of the same to such person or persons as to him shall seem meet; and the said forts and fortifications to demolish at his pleasure; and to take and surprize, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall in a hostile manner invade, or attempt the invading, conquering, or annoying, of our said province or territory: Provided always, and we do, by these presents, for us, our heirs, and successors, grant, establish, and ordain, that the said Governour shall not at any time hereafter, by virtue of any power hereby granted, or hereafter to be granted, to him, transport any of the inhabitants of

And to employ them to repel invasions.

And to exercise martial law in certain cases and under certain restrictions,

our

our said province or territory, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the Great and General Court, or Assembly, of our said province or territory, nor grant commissions for exercising the law martial upon any of the inhabitants of our said province or territory, without the advice and consent of the Council, or Assistants, of the same.

Power of
the deputy-
Governour
in the
absence of
the Govern-
our.

Provided in like manner, and we do by these presents, for us, our heirs, and successors, constitute and ordain, that when, and as often as, the Governour of our said province for the time being shall happen to die, or be displaced by us, our heirs, or successors, or be absent from his government, that then, and in any of these cases, the Lieutenant, or Deputy, Governour of our said province for the time being shall have full power and authority to do and execute all and every such acts, matters, and things, which our Governour of our said province for the time being might, or could, by virtue of these our letters patents, lawfully do or execute, if he were personally present, until the return of the Governour so absent, or the arrival, or constitution, of such other Governour as shall, or may, be appointed by us, our heirs, or successors, in his stead; and that, when and as often as, the Governour, and Lieutenant, or Deputy, Governour, of our said province or territory, for the time being, shall happen to die, or be displaced by us, our heirs, or successors, or be absent from our said province, and that there shall be no person within the said province commissioned by us, our heirs, or successors, to be Governour within the same, then, and in every of the said cases, the Council, or Assistants, of our said province shall have full power and authority, and we do hereby give and grant unto the said Council, or Assistants,

Power of
the Coun-
cil of the
said pro-
vince in the
absence of
both the
Governour
and Lieute-
nant
Governour.

ants, of our said province for the time being, or the major part of them, full power and authority to do and execute all and every such acts, matters, and things, which the said Governour, or Lieutenant, or Deputy, Governour, of our said province or territory, for the time being, might or could lawfully do or exercise, if they, or either of them, were personally present; until the return of the Governour, or Lieutenant, or Deputy, Governour, so absent, or the arrival, or constitution, of such other Governour, or Lieutenant, or Deputy, Governour, as shall or may be appointed by us, our heirs, or successors, from time to time.

Provided always, and it is hereby declared, that nothing herein contained shall extend or be taken to erect or grant, or allow the exercise of any Admiralty-Court jurisdiction, power or authority, but that the same shall be and is hereby reserved to us and our successors, and shall from time to time be erected, granted and exercised by virtue of commissions to be issued under the Great Seal of England, or under the Seal of the High Admiral, or the Commissioners for executing the office of High Admiral of England.

And further, our express will and pleasure is, and we do, by these presents, for us, our heirs, and successors, ordain and appoint, that these our letters patent shall not, in any manner, enure, or be taken, to abridge, bar, or hinder, any of our loving subjects whatsoever, to use and exercise the trade of fishing upon the coasts of New-England, but that they, and every of them, shall have full and free power and liberty to continue and use the said trade of fishing upon the said coasts, in any of the seas thereunto adjoining, or any arms of the said seas or salt-water rivers, where they have been wont to fish; and to build and set-up on the lands, within our said province

The Admiralty-Court is not to be erected by any authority of the province, but either under the Great Seal of England, or the Seal of the High Admiral of England.

This charter shall not be any hindrance to the king's subjects in their trade of fishing on the coasts of New-England.

province or colony, lying waste, and not then possessed by particular proprietors, such wharfs, stages, and work-houses, as shall be necessary for the salting, drying, keeping, and packing of their fish, to be taken or gotten upon that coast, and to cut-down and take such trees and other materials there growing, or being, upon any parts or places lying waste, and not then in possession of particular proprietors, as shall be needful for that purpose, and for all other necessary easements, helps, and advantages, concerning the said trade of fishing there, in such manner and form as they have been heretofore at any time accustomed to do, without making any wilful waste or spoil; any thing in these presents contained to the contrary notwithstanding.

A reservation of large trees for the use of the navy.

And lastly, for the better providing and furnishing of masts for our royal navy, we do hereby reserve to us, our heirs, and successors, all trees of the diameter of twenty-four inches, and upwards of twelve inches from the ground, growing upon any soil, or tract of land, within our said province or territory, not heretofore granted to any private persons; and we do restrain and forbid all persons whatsoever from felling, cutting, or destroying any such trees without the royal license of us, our heirs and successors, first had and obtained, upon penalty of forfeiting one hundred pounds sterling unto us, our heirs, and successors, for every such tree so felled, cut, or destroyed, without such license had and obtained in that behalf; any thing in these presents contained to the contrary in any wise notwithstanding. In witness, &c. Witness ourselves at Westminster the seventh day of October.

By Writ of Privy Seal.

THE

THE
VOTES AND PROCEEDINGS
OF THE
FREEHOLDERS AND OTHER INHABITANTS
OF THE
TOWN OF BOSTON,

IN TOWN MEETING ASSEMBLED, ACCORDING TO LAW.

[PUBLISHED BY ORDER OF THE TOWN.]

To which is prefixed, as Introductory,

AN ATTESTED COPY OF A VOTE OF THE TOWN AT
A PRECEDING MEETING.

THE WHOLE CONTAINING A PARTICULAR ENUMERATION OF
THOSE GRIEVANCES THAT HAVE GIVEN RISE TO THE
PRESENT ALARMING DISCONTENTS IN AMERICA.

[Boston printed, London reprinted, 1773.]

PREFACE OF THE BRITISH EDITOR

ALL accounts of the discontent so general in our colonies, have of late years been industriously smothered, and concealed here; it seeming to suit the views of the American minister *, to have it understood, that by his great abilities all faction was subdued, all opposition suppressed, and the whole country quieted. — That the true state of affairs there may be known, and the true causes of that discontent well understood, the following piece (not the production of a private writer, but the unanimous act of a large American city) lately printed in New-England, is republished here.

* The Earl of Hillsborough.

This

This nation, and the other nations of Europe, may thereby learn with more certainty the grounds of a diffension, that possibly may, sooner or later, have consequences interesting to them all.

The colonies had, from their first settlement, been governed with more ease than perhaps can be equalled by any instance in history, of dominions so distant. Their affection and respect for this country, while they were treated with kindness, produced an almost implicit obedience to the instructions of the prince, and even to acts of the British parliament, though the right of binding them by a legislature in which they were unrepresented, was never clearly understood. That respect and affection produced a partiality in favour of every thing that was English; whence their preference of English modes and manufactures; their submission to restraints on the importation of foreign goods, which they had but little desire to use; and the monopoly we so long enjoyed of their commerce, to the great enriching of our merchants and artificers. The mistaken policy of the stamp-act first disturbed this happy situation; but the flame thereby raised was soon extinguished by its repeal, and the old harmony restored, with all its concomitant advantages to our commerce. The subsequent act of another administration*, which, not content with an established exclusion of foreign manufactures, began to make our own merchandize dearer to the consumers there by heavy duties, revived it again: and combinations were entered into throughout the Continent, to stop trading with Britain till those duties should be repealed. All were accordingly repealed but one, the duty on tea. This was reserved professedly as a standing claim and exercise of the right assumed by parliament of laying such duties. The colonies, on this

* That of the Duke of Grafton, as First Lord of the Treasury, and Mr. Charles Townshend (brother to General Lord Viscount Townshend,) as Chancellor of the Exchequer.

repeal,

repeal, retracted their agreement, so far as related to all other goods except that on which the duty was retained. This was trumpeted *here* by the minister for the colonies as a triumph; *there* it was considered only as a decent and equitable measure, showing a willingness to *meet* the mother country in every advance towards a reconciliation. And the disposition to a good understanding was so prevalent, that possibly they might soon have relaxed in the article of tea also. But the system of commissioners of customs, officers without end, with fleets and armies for collecting and enforcing those duties, being continued, and acting with much indiscretion and rashness, giving great and unnecessary trouble and obstruction to business, commencing unjust and vexatious suits, and harassing commerce in all its branches, while that minister kept the people in a constant state of irritation by instructions which appeared to have no other end than the gratifying his private resentments*, occasioned a persevering adherence to their resolution in that particular: and the event should be a lesson to ministers, not to risque, through pique, the obstructing any one branch of trade, since the course and connection of general business may be thereby disturbed to a degree impossible to be foreseen or imagined. For it appears, that the colonies, finding their humble petitions to have this duty repealed, were rejected and treated with contempt, and that the produce of the duty was applied to the rewarding with undeserved salaries and pensions every one of their enemies, the duty itself became more odious, and their resolution to starve it more vigorous and obstinate. The Dutch, the Danes and French, took the advantage thus offered them by our imprudence, and began to smuggle their teas into the plantations. At

* Some of his circular letters had been criticised and exposed by one or two of the American assemblies.

first this was somewhat difficult; but at length, as all business improves by practice, it became easy. A coast 1500 miles in length, could not in all parts be guarded, even by the whole navy of England, especially where the restraining authority was by all the inhabitants deemed unconstitutional, and smuggling of course considered as patriotism. The needy wretches too, who, with small salaries, were trusted to watch the ports day and night, in all weathers, found it easier and more profitable, not only to *wink*, but to sleep in their beds, the merchant's pay being more generous than the king's. Other India goods also, which by themselves would not have made a smuggling voyage sufficiently profitable, accompanied tea to advantage; and it is feared the cheap French silks formerly rejected as not to the taste of the colonists, may have found their way with the wares of India, and now established themselves in the popular use and opinion. It is supposed that at least a million of Americans drink tea twice a day, which, at the first cost here, can scarce be reckoned at less than half a guinea a head *per annum*. This market, that in the five years which have run-on since the act passed, would have paid 2,500,000 guineas *for tea alone*, into the coffers of the company, we have wantonly lost to foreigners. Meanwhile it is said the duties have so diminished, that the whole remittance of the last year amounted to no more than the pitiful sum of 85 pounds for the expence of some hundred thousands in armed ships and soldiers to support the officers. Hence the tea and other India goods that might have been sold in America, remain rotting in the company's warehouses, while those of foreign ports are known to be cleared by the American demand. Hence, in some degree, the company's inability to pay their bills, the sinking of their stock, by which millions of property have been annihilated; the lowering of their dividend, whereby so many must be distressed; the loss to government

vernment of the stipulated 400,000 pounds a year, which must make a proportionable reduction in our savings towards the discharge of our enormous debt; and hence in part the severe blow suffered by credit in general, to the ruin of many families; the stagnation of business in Spital-Fields and at Manchester, through want of vent for their goods; with other future evils, which, as they cannot, from the numerous and secret connections in general commerce, easily be foreseen, can hardly be avoided.*

At a Meeting of the Freeholders and other Inhabitants of the Town of Boston, duly warned, and legally assembled, in Faneuil - Hall, on Wednesday the 28th of October, 1772; and from thence continued by Adjournments to Monday the 2d of November following ;

It was moved,

THAT a Committee of Correspondence be appointed, to consist of twenty-one persons, "to state the rights of the Colonists, and of this province in particular, as Men, as Christians, and as Subjects; to communicate and publish the same to the several towns in this province, and to the world, as the sense of this town, with the infringements and violations thereof, that have been, or from time to time may be, made ; also requesting of each town a free communication of their sentiments on this subject."

Whereupon the following gentlemen were nominated and appointed for the purposes aforesaid, to make report to

* This Preface of the British Editor to the second edition of this pamphlet, at London in the year 1773, was probably written by the celebrated Dr. Benjamin Franklin, who was then in England, and did not go to North America till April, 1774.

the town as soon as may be, viz. The Hon. James Otis, Esq.; Mr. Samuel Adams, Dr. Joseph Warren, Dr. Benjamin Church, Mr. William Dennie, Mr. William Greenleaf, Joseph Greenleaf, Esq.; Dr. Thomas Young, Mr. William Powell, Mr. Nathaniel Appleton, Mr. Oliver Wendell, Mr. John Sweetser, Josiah Quincy, Esq.; Capt. John Bradford, Richard Boynton, Esq.; Captain William Mackay, Major Nathaniel Barber, Deacon Caleb Davis, Mr. Alexander Hill, Mr. William Molineux, and Mr. Robert Pierpont.

A true Copy.

Attest.

WILLIAM COOPER, TOWN CLERK.

At a Meeting of the Freeholders and other Inhabitants of the Town of Boston, duly warned and assembled in Faneuil-Hall according to Law on Friday, the 20th of November, 1772; then and there to receive and act upon the Report of a Committee appointed at a former Meeting on the 2d of the same Month, and such other Things as might properly come under the Consideration of the Town.

The Honorable JOHN HANCOCK, Esq. being unanimously chosen Moderator, the Chairman of the said Committee acquainted him that he was ready to make Report, and read the same, as follows:

THE Committee appointed by the Town, the 2d instant, "to state the rights of the Colonists, and of this province in particular, as Men, as Christians, and as Subjects; to communicate

communicate and publish the same to the several towns in this province and to the world, as the sense of this town, with the infringements and violations thereof, that have been, or from time to time may be made: also requesting of each town a free communication of their sentiments on this subject," beg leave to report:

First, A State of the Rights of the Colonists, and of this Province in particular.

Secondly, A List of the Infringements and Violations of those Rights.

Thirdly, A Letter of Correspondence with the other Towns.

I. *Natural Rights of the Colonists as Men.*

Among the natural rights of the Colonists are these: First, a right to *life*; secondly, to *liberty*; thirdly, to *property*; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature.

All men have a right to remain in a state of nature as long as they please: and in case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another.

When men enter into society, it is by voluntary consent; and they have a right to demand and insist upon the performance of such conditions and previous limitations as form an equitable *original compact*.

Every natural right, not expressly given-up, or, from the nature of a social compact, necessarily ceded, remains.

All positive and civil laws should conform, as far as possible, to the law of natural reason and equity.

As neither reason requires, nor religion permits, the contrary, every man living in, or out of, a state of civil society, has a right peaceably and quietly to worship God, according to the dictates of his conscience.

“*Just and true liberty, equal and impartial liberty*” in matters spiritual and temporal, is a thing that all men are clearly entitled-to, by the eternal and immutable laws of God and nature, as well as by the law of nations, and all well-grounded municipal laws, which must have their foundation in the former.

In regard to religion, mutual toleration in the different professions thereof, is what all good and candid minds in all ages have ever practised; and both by precept and example inculcated on mankind: and it is now generally agreed among Christians, that this spirit of toleration, in the fullest extent, consistent with the being of civil society, “is the chief characteristical mark of the true church*.” Inasmuch that Mr. Locke has asserted, and proved beyond the possibility of contradiction on any solid ground, that such toleration ought to be extended to all whose doctrines are not subversive of society. The only sects which he thinks ought to be, and which by all wise laws are, excluded from such toleration, are those who teach doctrines subversive of the civil government under which they live. The Roman Catholics, or Papists, are excluded, by reason of such doctrines as these, “that princes excommunicated may be deposed, and those they call *hereticks* may be destroyed without mercy;” besides their recognizing the Pope in so absolute a manner, in subversion of government, by introducing, as far possible, into the states, under whose protection they enjoy life, liberty, and property, that solecism in politicks

* See Locke's Letters on Toleration,

*imperium in imperio**, leading directly to the worst anarchy and confusion, civil discord, war, and bloodshed.

The natural liberty of man, by entering into society, is abridged or restrained so far only as is necessary for the great end of society, the best good of the whole.

In the state of nature, every man is, under God, judge, and sole judge, of his own rights, and of the injuries done him: by entering into society, he agrees to an *arbiter*, or indifferent judge, between him and his neighbours; but he no more renounces his original right, than by taking a cause out of the ordinary course of law, and leaving the decision to referees, or indifferent arbitrators. In the last case he must pay the referees for time and trouble; he should also be willing to pay his just quota for the support of government, the law, and the constitution; the end of which is to furnish indifferent and impartial judges in all cases which may happen, whether civil, ecclesiastical, marine, or mili-

"The natural liberty of man is to be free from any superior power on earth, and not to be under the will, or legislative authority, of man; but only to have the law of nature for his rule†."

In the state of nature, men may, as the *Patriarchs* did, employ hired servants for the defence of their lives, liberties, and property; and they should pay them reasonable wages. Government was instituted for the purposes of common defence; and those who hold the reins of government have an equitable natural right to an honourable support from the same principle "that the labourer is worthy of his hire:" but then the same community which they serve, ought to be the assessors of their pay: governours have no

* A government within a government.

† Locke on Government.

right to seek and take what they please; by this, instead of being content with the station assigned them, that of honourable servants of the society, they would soon become absolute *masters, despots, and tyrants*. Hence as a private man has a right to say, what wages he will give in his private affairs, so has a community to determine what *they* will give and grant of their substance, for the administration of publick affairs. And in both cases, more are ready generally to offer their service at the proposed and stipulated price, than are able and willing to perform their duty.

In short, it is the greatest absurdity to suppose it in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defence of those very rights, the principal of which, as is before observed, are *life, liberty, and property*. If men, through fear, fraud, or mistake, should *in terms* renounce, or give-up, any essential natural right, the eternal law of reason and the grand end of society, would absolutely vacate such renunciation; the right to freedom being *the gift of God Almighty*, it is not in the power of man to alienate this gift, and voluntarily become a slave.

II. *The Rights of the Colonists as Christians.*

These may be best understood by reading and carefully studying the institutes of the great lawgiver and head of the Christian Church, which are to be found clearly written and promulgated in the *New-Testament*.

By the act of the British Parliament commonly called *The toleration-act*, every subject in England, except Papists, &c. was restored to, and re-established in, his natural right

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to worship GOD according to the dictates of his own conscience. And by the charter of this province, it is granted, ordained and established (that is, declared as an original right) that there shall be liberty of conscience allowed in the worship of GOD, to all Christians except Papists, inhabiting, or which shall inhabit or be resident within the said province or territory*. Magna Charta itself is in substance but a constrained declaration, or proclamation and promulgation, in the name of King, Lords and Commons, of the sense the latter had, of their original, inherent, indefeasible natural rights;† as also those of free citizens, equally perdurable with the other. That great author, that great jurist, and even that court writer, Mr. Justice *Blackstone*, holds, that this recognition was justly obtained of King John sword-in-hand; and peradventure it must be one day sword-in-hand again rescued and preserved from total destruction and oblivion.

III. *The Rights of the Colonists as Subjects.*

A Commonwealth, or State, is a body politick, or civil society of men, united together to promote their mutual safety and prosperity, by means of their Union‡.

The *absolute rights* of Englishmen, and all freemen in, or out of, civil society, are principally, *personal security*, *personal liberty* and *private property*.

All persons born in the British American colonies, are, by the laws of God and nature, and by the common law of England, *exclusive of all charters from the Crown*, well entitled, and by acts of the British Parliament are declared to

* See 1 Wm. and Mary, S. 2. C. 18. and Massachusetts Charter, in the third year of William and Mary. See above, page 115.

† Lord Coke's Inst. Blackstone's Commentaries, V. 1. pa. 122. the Bill of Rights and the Act of Settlement.

‡ See Locke and Vattel.

be entitled, to all the natural, essential, inherent and inseparable rights, liberties and privileges of subjects born in Great Britain, or within the realm. Among those rights are the following; which no man, or body of men, consistently with their own rights as men and citizens, or members of society, can for themselves give-up, or take-away from others.

First, "The first fundamental positive law of all Commonwealths or States, is the establishing the legislative power: As the first fundamental *natural* law also, which is to govern even the legislative power itself, is the preservation of the society."*

Secondly, The legislative has no right to absolute, arbitrary, power over the lives and fortunes of the people: Nor can mortals assume a prerogative, not only too high for men, but for angels; and therefore reserved for the exercise of the *Deity* alone.

"The legislative cannot justly *assume* to itself a power to rule by *extempore*, arbitrary, decrees; but it is bound to see that justice is dispensed, and that the rights of the subjects be decided, by promulgated, standing, and known, laws, and authorized *independent Judges*;" that is, independent, as far as possible, of prince and people. "*There should be one rule of Justice for rich and poor; for the favourite at court, and the countryman at the plough.*"†

Thirdly, The supreme power cannot justly take from any man, any part of his property without his consent, in person or by his representative.

These are some of the first principles of natural law and justice, and the great barriers of all free states, and of the British constitution in particular. It is utterly irreconcilable

* Locke on Government Salus Populi suprema Lex esto.

† Locke.

to these principles, and to many other fundamental maxims of the common law, common sense, and reason, that a British House of Commons should have a right, at pleasure, to give and grant the property of the colonists. That these colonists are well entitled to all the essential rights, liberties, and privileges of men and freemen, born in Britain, is manifest, not only from the colony-charters in general, but from acts of the British parliament. The statute of the 13th of Geo. II. c. 7. naturalizes even foreigners after seven years residence. The words of the Massachusetts-Charter are these; "And further our will and pleasure is, and we do hereby for us, our heirs, and successors, grant, establish, and ordain, that all and every of the subjects of us, our heirs, and successors, which shall go to, and inhabit within, our said province or territory, and every of their children which shall happen to be born there, or on the seas in going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs, and successors, to all intents, constructions, and purposes whatsoever, as if they, and every of them, were born within this our realm of England." Now what liberty can there be, where property is taken-away without consent? Can it be said with any colour of truth and justice, that this continent of three thousand miles in length, and of a breadth as yet unexplored, in which however, it is supposed, there are five millions of people, has the least voice, vote, or influence in the decisions of the British parliament? Have they, all together, any more right or power to return a single member to that House of Commons, who have (not inadvertently, but deliberately) assumed a power to dispose of their lives*, liberties and properties, than to choose an Emperor of China?

* See the Act of the last Session relating to the King's dock-yards.

Had the colonists a right to return members to the British Parliament, it would only be hurtful; as from their local situation and circumstances, it is impossible they should be ever truly and properly represented there. The inhabitants of this country, in all probability, in a few years, will be more numerous than those of Great Britain and Ireland together: Yet it is absurdly expected, by the promoters of the present measures, that these, with their posterity to all generations, should be easy, while their property shall be disposed-of by a House of Commons at three thousand miles distance from them; and who cannot be supposed to have the least care or concern for their real interest: who have not only no natural care for their interest, but must be *in effect* bribed against it; as every burden they lay on the Colonists is so much saved or gained to themselves. Hitherto many of the colonists have been free from quit-rents; but, if the breath of a British House of Commons can originate an act for taking-away all our money, our lands will go next, or be subject to rack-rents from haughty and relentless landlords, who will ride at ease, while we are trodden in the dirt. The Colonists have been branded with the odious names of traitors and rebels only for complaining of their grievances: How long such treatment will, or ought to be born, is submitted.

A List of Infringements and Violations of Rights.

WE cannot help thinking, that an enumeration of some of the most open infringements of our rights, will by every candid person be judged sufficient to justify whatever measures have been already taken, or may be thought proper to be taken, in order to obtain a redress of the grievances under which we labour. Among many others, we humbly

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conceive, that the following will not fail to excite the attention of all who consider themselves interested in the happiness and freedom of mankind in general, and of this continent and province in particular.

1st. The British Parliament have assumed the powers of legislation for the colonists in all cases whatsoever, without obtaining the consent of the inhabitants, which is ever essentially necessary to the rightful establishment of such a legislative.

2dly. They have exerted that assumed power, in raising a revenue in the colonies without their consent ; thereby depriving them of that right which every man has to keep his own earnings in his own hands until he shall, in person, or by his representative, think fit to part with the whole or any portion of it. This infringement is the more extraordinary, when we consider the laudable care which the British House of Commons have taken, to reserve entirely and absolutely to themselves the powers of giving and granting money. They not only insist on originating every money-bill in their house, but will not even allow the House of Lords to make an amendment in these bills ; so tenacious are they of this privilege, so jealous of any infringement of the sole and absolute right the people have to dispose of their own money ; and what renders this infringement the more grievous is, that what of our earnings still remains in our hands, is in a great measure deprived of its value, so long as the British Parliament continue to claim and exercise this power of taxing us ; for we cannot justly call that *our* property, which *others* may, when they please, take-away from us against our will.

In this respect we are treated with less decency and regard than the Romans showed even to the provinces which they had conquered. *They* only determined upon the sum which each

each should furnish, and left every province to raise it in the manner most easy and convenient to themselves,

3dly. A number of new officers, unknown in the charter of this province, have been appointed to superintend this revenue; whereas by our charter, the Great and General Court, or Assembly, of this province, has the sole right of appointing all civil officers, excepting only such officers, the election and constitution of whom is, in said charters, expressly excepted; among whom these officers are not included.

4thly. These officers are by their commissions invested with powers altogether unconstitutional, and entirely destructive to that security which we have a right to enjoy; and to the last degree dangerous, not only to our property, but to our lives: for the commissioners of his Majesty's customs in America, or any three of them, are by their commission empowered, "by writing under their hands and seals, to constitute and appoint inferiour officers in all and singular the ports within the limits of their commissions." Each of these petty officers so made is intrusted with power more absolute and arbitrary than ought to be lodged in the hands of any man, or body of men, whatsoever; for in the commission aforementioned, his Majesty gives and grants unto his said commissioners, or any three of them, and to all and every the collectors, deputy-collectors, ministers, servants, and all other officers serving and attending in all and every the ports and other places within the limits of their commission, full power and authority, from time to time, at their, or any of their, wills and pleasures, as well by night as by day, to enter and go on board any ship, boat, or other vessel, riding, lying, or being within, or coming into, any port, harbour, creek, or haven, within the limits of their commission; and also in the day-time to go
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into any house, shop, cellar, or any other place, where any goods, wares, or merchandizes lie concealed, or are *suspected* to lie concealed, whereof the customs and other duties, have not been, or shall not be, duly paid and truly satisfied, answered, or paid unto the collectors, deputy-collectors, ministers, servants, and other officers respectively, or otherwise agreed for; and the said house, shop, warehouse, cellar, and other place, to search and survey, and all and every the boxes, trunks, chests and packs then and there found to break-open."

Thus our houses, and even our bed-chambers, are exposed to be ransacked, our boxes, trunks, and chests broke-open, ravaged, and plundered, by wretches, whom no prudent man would venture to employ even as menial servants, whenever they are pleased to say they *suspect* there are in the house, wares, &c. for which the duties have not been paid. Flagrant instances of the wanton exercise of this power have frequently happened in this and other sea-port towns. By this we are cut-off from that domestick security which renders the lives of the most unhappy in some measure agreeable. These officers may, under colour of law, and the cloak of a general warrant, break through the sacred rights of the *domicil*, ransack men's houses, destroy their securities, carry-off their property, and, with little danger to themselves, commit the most horrid murders.

And we complain of it as a further grievance, that notwithstanding by the charter of this province, the Governour and the Great and General Court, or Assembly of this province or territory, for the time being, shall have full power and authority, from time to time, to make, ordain, and establish all manner of wholesome and easonable laws, orders, statutes, and ordinances, directions and instructions, and that, if the same shall not within the term of three years

years after presenting the same to his Majesty in privy council, be disallowed, they shall be and continue in full force and effect, until the same shall be repealed by the Great and General Assembly of this province : yet the parliament of Great-Britain have rendered, or attempted to render, null and void, a law of this province, made and passed in the reign of his late Majesty George the First, entitled, "An act stating the fees of the custom-house officers within this province;" and, by mere dint of power, in violation of the charter aforesaid, established other and exorbitant fees, for the same officers; any law of the province to the contrary notwithstanding.

5thly. Fleets and armies have been introduced to support these unconstitutional officers in collecting and managing this unconstitutional revenue; and troops have been quartered in this metropolis for that purpose. Introducing and quartering standing armies in a free country in times of peace, without the consent of the people either by themselves or by their representatives, is, and always has been deemed, a violation of their rights as freemen; and of the charter, or compact made between the king of Great Britain and the people of this province, whereby all the rights of British subjects are confirmed to us.

6thly. The revenue arising from this tax, unconstitutionally laid, and committed to the management of persons arbitrarily appointed and supported by an armed force quartered in a free city, has been in part applied to the most destructive purposes. It is absolutely necessary in a mixt government, like that of this province, that a due proportion, or balance of power, should be established among the several branches of the legislative. Our ancestors received from King William and Queen Mary a charter, by which it was understood by both parties in the contract, that such

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a proportion, or balance, was fixed; and therefore every thing which renders any one branch of the legislative more independent of the other two than it was originally designed, is an alteration of the constitution as settled by the charter; and, as it has been, until the establishment of this revenue, the constant practice of the general assembly to provide for the support of government, so it is an essential part of our constitution, as it is a necessary means of preserving an *equilibrium*, without which we cannot continue a free state.

In particular it has always been held, that the dependance of the Governour of this province upon the General Assembly for his support, was necessary for the preservation of this *equilibrium*; nevertheless his Majesty has been pleased to apply fifteen hundred pounds sterling annually, out of the American revenue, for the support of the Governour of this province independent of the assembly; whereby the ancient connection between him and his people is weakened, the confidence in the Governour lessened, the equilibrium destroyed, and the constitution essentially altered.

And we look upon it as highly probable, from the best intelligence we have been able to obtain, that not only our Governour and Lieutenant-governour, but the Judges of the superiour court of judicature, as also the King's Attorney and Solicitor-general, are to receive their support from this grievous tribute. This will, if accomplished, compleat our slavery: for, if taxes are to be raised from us by the parliament of Great Britain without our consent, and the men on whose opinions and decisions our properties, liberties, and lives, in a great measure depend, receive their support from the revenue arising from these taxes, we cannot, when we think on the depravity of mankind, avoid looking with horror on the danger to which we are exposed! The British parliament have shown their wisdom in making the judges

judges there as independent as possible both on the prince and people, both for place and support; but our judges hold their commissions only during pleasure; the granting them salaries out of this revenue is rendering them dependant on the crown for their support. The King, upon his first accession to the throne, for giving the last hand to the independency of the judges in England, not only upon himself but his successors, by recommending and consenting to an act of parliament, by which the judges are continued in office, notwithstanding the demise of the King, (which vacates all other commissions,) was applauded by the whole nation. How alarming therefore must it be to the inhabitants of this province, to find so wide a difference made between the subjects in Britain and in America, as the rendering the judges here altogether dependant on the Crown for their support.

7thly. We find ourselves greatly oppressed by instructions sent to our Governour from the court of Great Britain; whereby the first branch of our legislature is made merely a ministerial engine. And the province has already felt such effects from these instructions as, we think, justly entitle us to say, that they threaten an entire destruction of our liberties; and must soon, if not checked, render every branch of our government a useless burthen upon the people. We shall point-out some of the alarming effects of these instructions which have already taken place.

In consequence of instructions, the Governour has called and adjourned our General Assemblies to a place highly inconvenient to the members, and greatly disadvantageous to the interest of the province, even against his own declared intention.

In consequence of instructions, the Assembly has been prorogued from time to time, when the important concerns of the province required their meeting.

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In obedience to Instructions the General Assembly was, Anno 1768, dissolved by Governour Bernard, because they would not consent to *rejeind* the resolution of a *former* house, and thereby sacrifice the rights of their constituents.

By an Instruction, the honourable his Majesty's Council are forbid to meet and transact matters of publick concern, as a Council of advice to the Governour, unless called by the Governour; and if they should, from a zealous regard to the interest of the province, so meet at any time, the Governour is ordered to negative them at the next election of Councillors. And, although, by the charter of this province, the Great and General Court have full power and authority to impose taxes upon the estates and persons of all and every the proprietors and inhabitants of this province, yet the Governour has been forbidden to give his consent to an act imposing a tax for the necessary support of Government, unless such persons, as were pointed-out in the said Instruction, were exempted from paying their just proportion of the said tax.

His Excellency has also pleaded Instructions for giving-up the provincial fortress, Castle-William, into the hands of troops, over whom he had declared he had no controul; (and that at a time when they were menacing the slaughter of the inhabitants of the town, and our streets were stained with blood which they had barbarously shed.) Thus our Governour, appointed and paid from Great-Britain with money forced from us, is made an instrument of totally preventing, or at least of rendering futile, every attempt of the other two branches of our Legislative in favour of the distressed and wronged people: and, lest the complaints, naturally occasioned by such oppression, should excite compassion in the royal breast, and induce his Majesty seriously to set-about relieving us from the cruel

bondage and insults which we, his loyal subjects, have so long suffered, the Governour is forbidden to consent to the payment of an Agent to represent our grievances at the Court of Great-Britain, unless he, the Governour, consent to his election; and we very well know what *the man must be* to whose appointment a Governour, in such circumstances, will consent.

While we are mentioning the infringements of the rights of this colony in particular by means of Instructions, we cannot help calling to remembrance the late unexampled suspension of the legislative of a sister colony, *New-York*, by force of an Instruction, until they should comply with an arbitrary act of the British parliament, for quartering troops, designed, by military execution, to enforce the raising of a tribute.

8thly. The extending the power of the Courts of Vice-Admiralty to so enormous a degree, as deprives the people in the colonies, in a great measure, of their inestimable rights to trials *by Juries*; which has ever been justly considered as the grand bulwark and security of English property.

This alone is sufficient to rouse our jealousy; and we are again obliged to take notice of the remarkable contrast, which the British parliament have been pleased to exhibit between the subjects in Great-Britain and the colonies. In the same statute, by which they give-up to the decision of one dependant interested Judge of Admiralty the estates and properties of the colonists, they expressly guard the estates and properties of the people of Great-Britain: for all forfeitures and penalties inflicted by the statute of the fourth of George the third, or any other act of parliament relative to the trade of the colonies, may be sued-for in any Court of Admiralty in the colonies; but all penalties and forfeitures which shall be incurred in Great-Britain, may
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be sued-for in any of his Majesty's Courts of Record in Westminster, or in the Court of Exchequer in Scotland, respectively. Thus our birth-rights are taken from us; and that too with every mark of indignity, insult and contempt. We may be harassed and dragged from one part of the Continent to the other, (which some of our brethren here and in the country-towns already have been) and finally be deprived of our whole property, by the arbitrary determination of one biased, capricious, Judge of the Admiralty.

9thly. The restraining us from erecting flitting-mills for manufacturing our iron, the natural produce of this country, is an infringement of that right with which God and nature have invested us, to make use of our skill and industry in procuring the necessaries and conveniences of life. And we look upon the restraint, laid upon the manufacture and transportation of hats, to be altogether unreasonable and grievous. Although, by the charter, all havens, rivers, ports, waters, &c. are expressly granted the inhabitants of the province and their successors, to their only proper use and behoof for ever, yet the British parliament passed an act, whereby they restrain us from carrying out wool, the produce of our own farms, even over a ferry; whereby the inhabitants have often been put to the expence of carrying a bag of wool near an hundred miles by land, when passing over a river or water of one quarter of a mile, of which the province are the absolute proprietors, would have prevented all that trouble.

10thly. The act passed in the last session of the British parliament, intituled, *an act for the better preserving his Majesty's Dock-Yards, Magazines, Ships, Ammunition, and Stores*, is, as we apprehend, a violent infringement of our rights. By this act, any one of us may be taken from his family, and carried to any part of Great-Britain, there

to be tried, whenever it shall be pretended that he has been concerned in burning or otherwise destroying any boat or vessel, or any materials for building, &c. any naval or victualling store, &c. belonging to his Majesty. For by this act all persons in the realm, or in any of the places thereto belonging (under which denomination we know the colonies are meant to be included) may be indicted or tried either in any county or shire within this realm, in like manner and form as if the offence had been committed in said county, as his Majesty and his successors may deem expedient. Thus we are not only deprived of our grand right to *trial by our peers in the vicinity*, but any person suspected, or pretended to be suspected, may be hurried to Great-Britain, to take his trial in any county the King or his successors shall please to direct; where, innocent or guilty, he is in great danger of being condemned; and whether condemned or acquitted, he will probably be ruined by the expence attending the trial, and his long absence from his family and business; and we have the strongest reason to apprehend that we shall soon experience the fatal effects of this act, as about the year 1769, the British parliament passed resolves for taking-up a number of persons in the colonies and carrying them to Great-Britain for trial, pretending that they were authorised so to do, by a statute passed in the reign of Henry the Eighth, in which they say the colonies were included, although the act was passed long before any colonies were settled, or even in contemplation.

11thly. As our ancestors came-over to this country that they might not only enjoy their civil but their religious rights, and particularly desired to be freed from the prelates, who in those times cruelly persecuted all who differed in sentiment from the established church; we cannot see, without concern, the various attempts which have been

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made, and are now making, to establish an American episcopate. Our episcopal brethren of the colonies do enjoy, and rightfully ought ever to enjoy, the free exercise of their religion; but, as an American episcopate is by no means essential to that free exercise of their religion, we cannot help fearing that they who are so warmly contending for such an establishment, have views altogether inconsistent with the universal and peaceful enjoyment of our Christian privileges: and doing, or attempting to do, any thing which has even the remotest tendency to endanger this enjoyment, is justly looked-upon as a great grievance, and also an infringement of our rights; which is not barely to exercise, but peaceably and securely to enjoy, that liberty with which CHRIST hath made us free.

And we are further of opinion, that no power on earth can justly give either temporal or spiritual jurisdiction within this province, except the Great and General Court. We think therefore that every design for establishing the jurisdiction of a Bishop in this province, is a design both against our civil and religious rights: and we are well informed, that the more candid and judicious of our brethren of the Church of England, in this and the other colonies, both clergy and laity, conceive of the establishing an American episcopate as being both unnecessary and unreasonable.

12thly. Another grievance under which we labour is, the frequent alteration of the bounds of the colonies by decisions before the King and Council, explanatory of former grants and charters. This not only subjects men to live under a constitution to which they have not consented, which in itself is a great grievance; but moreover, under colour that the *right of soil* is affected by such declarations, some Governours, or Ministers, or both in conjunction, have pretended to grant, in consequence of a *Mandamus*,

many thousands of acres of vacant and appropriated lands near a century past, and rendered valuable by the labours of the present cultivators and their ancestors. There are very notable instances of settlers, who, having, first, purchased the soil of the natives, have, at considerable expence, obtained confirmations of title from this province; and, on being transferred to the jurisdiction of the province of *New-Hampshire*, have been put to the trouble and cost of a new grant, or confirmation, from thence; and, after all this, there has been a third declaration of the royal will, that they should thenceforth be considered as pertaining to the province of *New-York*. The troubles, expences, and dangers, which hundreds have been put to on such occasions, cannot here be recited; but so much may be said, that they have been most cruelly harassed, and even threatened with a military force, to dragoon them into a compliance with the most unreasonable demands.

A LETTER of Correspondence to the other Towns,

BOSTON, November 20, 1772.

Gentlemen,

WE, the freeholders and other inhabitants of *Boston*, in town-meeting duly assembled, according to law, apprehending there is abundant reason to be alarmed that the plan of *Despotism*, which the enemies of our invaluable rights have concerted, is rapidly hastening to a completion, can no longer conceal our impatience under a constant, unremitted, uniform, aim to enslave us, or confide in an administration which threatens us with certain and inevitable

destruction.

destruction. But, when in addition to the repeated inroads made upon the rights and liberties of the colonists, and of those in this province in particular, we reflect on the late extraordinary measure in affixing stipends, or salaries from the crown to the offices of the Judges of the superior Court of Judicature, making them not only intirely independent of the people, whose lives and fortunes are so much in their power, but absolutely dependant on the crown, (which may hereafter be worn by a tyrant) both for their appointment, and support, we cannot but be extremely alarmed at the mischievous tendency of this innovation; which, in our opinion, is directly contrary to the spirit of the British Constitution, pregnant with innumerable evils, and hath a direct tendency to deprive us of every thing valuable as men, as christians, and as subjects, entitled, by the royal charter, to all the rights, liberties and privileges of native Britons. Such being the critical state of this province, we think it our duty on this truly distressing occasion, to ask you, what can withstand the attacks of mere power? what can preserve the liberties of the subject, when the barriers of the constitution are taken-away? The town of *Boston*, consulting on the matter above-mentioned, thought proper to make application to the Governour by a committee; requesting his excellency to communicate such intelligence as he might have received, relative to the report of the Judges having their support independent of the grants of this province, a copy of which you have herewith in paper No. 1. * To which we received as answer the paper No. 2. † The town, on further deliberation, thought it adviseable to refer the matter to the Great and General Assembly; and accordingly in a second address, as No. 3. ‡ they requested his Excellency

* See Appendix, No. 1.

† See Appendix, No. 2.

‡ See Appendix, No. 3.

that the general court might convene at the time to which they then stood prorogued; to which the town received the reply as in No. 4. § in which we are acquainted with his intentions further to prorogue the General Assembly, which has since taken place. Thus, gentlemen, it is evident his Excellency declines giving the least satisfaction as to the matter in request. The affair being of public concernment, the town of *Boston* thought it necessary to consult with their brethren throughout the province; and for this purpose appointed a committee, to communicate with our fellow-sufferers, respecting this recent instance of oppression, as well as the many other violations of our rights under which we have groaned for several years past—This committee have briefly recapitulated the sense we have of our invaluable rights as men, as christians, and as subjects; and wherein we conceive those rights to have been violated, which we are desirous may be laid before your town, that the subject may be weighed as its importance requires, and the collected wisdom of the whole people, as far as possible, be obtained, on a deliberation of such great and lasting moment as to involve in it the fate of all our posterity.—Great pains has been taken to persuade the British Administration to think, that the good people of this province in general are quiet and undisturbed at the late measures; and that any uneasiness that appears, arises only from a few factious, designing, and disaffected, men. This renders it the more necessary, that the sense of the people should be explicitly declared.—A free communication of your sentiments to this town, of our common danger, is earnestly solicited and will be gratefully received. If you concur with us in opinion, that our rights are properly stated, and that the several acts of Parliament, and Measures of Administration,

‡ See Appendix, No. 4.

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pointed out by us, are subversive of these rights, you will doubtless think it of the utmost importance that we stand firm as one man, to recover and support them; and to take such measures, by directing our representatives, or otherwise, as your wisdom and fortitude shall dictate, to rescue from impending ruin our happy and glorious Constitution. But if it should be the general voice of this province that the rights, as we have stated them, do not belong to us; or, that the several measures of administration in the British Court, are no violations of these rights: or, that, if they are thus violated or infringed, they are not worth contending-for, or resolutely maintaining;———should this be the general voice of the province, we must be resigned to our wretched fate; but shall for ever lament the extinction of that generous ardour for civil and religious liberty, which, in the face of every danger, and even death itself, induced our fathers to forsake the bosom of their Native Country, and begin a settlement on bare creation.—But we trust this cannot be the case: We are sure your wisdom, your regard to yourselves and the rising generation, cannot suffer you to doze, or sit supinely indifferent, on the brink of destruction, while the iron hand of oppression is daily tearing the choicest fruit from the fair tree of liberty, planted by our worthy predecessors, at the expence of their treasure, and abundantly watered with their blood.—It is an observation of an eminent patriot, that a people long inured to hardships, lose by degrees the very notions of liberty; they look upon themselves, as creatures *at mercy*, and that all impositions, laid-on by superior hands, are legal and obligatory.—But, thank Heaven, this is not yet verified in *America*! We have yet some share of public virtue remaining: We are not afraid of poverty, but disdain slavery.—The fate of nations is so precarious, and revolutions in states so often take place at an unexpected moment, when the hand

of

of power, by fraud or flattery, has secured every avenue of retreat, and the minds of the subject debased to its purpose, that it becomes every well-wisher to his country, while it has any remains of freedom, to keep an eagle-eye upon every innovation and stretch of power, in those that have the rule over us. A recent instance of this we have in the late revolutions in *Sweden*; by which the prince, once subject to the laws of the state, has been able of a sudden, to declare himself an absolute monarch. The Swedes were once a free, martial and valiant people: Their minds are now so debased, that they even rejoice at being subject to the caprice and arbitrary power of a tyrant, and kiss their chains. It makes us shudder to think, the late measures of administration may be productive of the like catastrophe; which Heaven forbid!——Let us consider, Brethren, we are struggling for our best birth-rights and inheritance; which, being infringed, render all our blessings precarious in their enjoyment, and consequently trifling in their value. Let us disappoint the men, who are raising themselves on the ruin of this country. Let us convince every invader of our freedom, that we will be as free as the constitution our fathers recognized, will justify.

The foregoing Report was twice read distinctly, and amended in the meeting. And then the question was put, *Whether the same be accepted?* And passed in the affirmative, *Nem. Con.*

A true Copy,

Attest.

WILLIAM COOPER, *Town-Clerk.*

Upon a motion made, *Voted*, that the foregoing proceedings be attested by the Town-Clerk, and printed in a pamphlet; and that the committee be desired to dispose of *Six Hundred* Copies thereof to the Select-men of the towns in

in the province, and such other gentlemen as they shall think fit.

Voted, that the Town-Clerk be directed to sign the foregoing Letter, and forward as many of the same to the Selectmen of each town in this province, as the committee shall judge proper, and direct.

A true Copy,

Attest.

WILLIAM COOPER, *Town-Clerk.*

APPENDIX:

(No. I.)

THE MESSAGE of the TOWN of BOSTON to the GOVERNOUR.

May it please your Excellency,

THE freeholders and other inhabitants of the town of Boston, legally assembled in Faneuil-Hall, beg leave to acquaint your Excellency, that a report has prevailed, which they have reason to apprehend is well-grounded, that stipends are affixed to the offices of the Judges of the superior Court of Judicature, &c. of this province, whereby they are become independent of the grants of the General Assembly for their support; contrary to ancient and invariable usage. This report has spread an alarm among all considerate persons who have heard of it in town and country; being viewed, as tending rapidly to complete the system of their slavery; which originated in the House of Commons of Great-Britain, assuming a power and authority, to give and grant the monies of the colonists without their consent, and against their repeated remonstrances. And, as the judges hold their places during pleasure, this establishment appears big with fatal evils, so obvious that it is needless to trespass on your Excellency's time in mentioning them.

It is therefore the humble and earnest request of the town, that your Excellency would be pleased to inform them, Whether you have received any such advice, relating to a matter so deeply interesting to the inhabitants of this province, which gives you assurance that such an establishment has been, or is likely, to be made.

(No. II.)

THE GOVERNOUR'S ANSWER to the foregoing MESSAGE.**GENTLEMEN,**

IT is by no means proper for me to lay before the inhabitants of any town whatsoever, in consequence of their votes
and

and proceedings in a Town-Meeting, any part of my correspondence as Governour of the Province, or to acquaint them whether I have, or have not, received any advices relating to the public affairs of the Government. This reason alone, if your address to me had been in other respects unexceptionable, would have been sufficient to restrain me from complying with your desire.

I shall always be ready to gratify the inhabitants of the town of Boston, upon every regular application to me on business of public concernment to the town, as far as I shall have it in my power consistent with fidelity to the trust which his Majesty has reposed in me.

T. HUTCHINSON.

Province-House, 30 Oct. 1772.

To the inhabitants of the town
of Boston in Town-Meeting
assembled at Faneuil-Hall.

(No. III.)

The PETITION of the TOWN to the GOVERNOUR.

The PETITION of the Freeholders and other inhabitants of the town of Boston, legally assembled by adjournment in Faneuil-Hall, on Friday October 30, 1772,

Humbly sheweth,

THAT your petitioners are *still* greatly alarmed at the report which has been prevalent of late, viz. That stipends are affixed to the offices of the Judges of the superior Court of Judicature of this Province, by order of the Crown, for their support.

Such an establishment is contrary, not only to the plain and obvious sense of the charter of this province, but also to some of the fundamental principles of the common law; to the benefit of which, all British subjects, wherever dispersed throughout the British Empire are indubitably intitled.

Such

Such a jealousy have the subjects of England for their rights, liberties and privileges, and so tender a regard has been shown to them by his Majesty, that notwithstanding the provision made at the revolution, that the judges of the King's superior courts of law there, should hold their commissions, not at pleasure, but during good behaviour, and since that time for their support, his Majesty among other the first acts of his reign, was graciously pleased to recommend it to Parliament, and an act passed, that their commissions should not cease at the demise of the King; whereby every thing possible in human wisdom seems to have been done, to establish an impartiality in their decisions, not only between subject and subject, but between the crown and the subject.—Of how much greater importance must it be to preserve from the least supposable bias, the Judges of a Court invested by the laws of this province, (which have been approved of by Majesty,) with powers as full and ample to all intents and purposes whatsoever, as the courts of King's Bench, Common Pleas and Exchequer, within his Majesty's kingdom of England, have, or ought to have?

Your Excellency will allow your petitioners, with due submission, to repeat, that this Establishment appears to them pregnant with such fatal evils, as that the most distant thought of its taking effect, fills their minds with Dread and Horror.

These, Sir, are the sentiments and apprehensions of this metropolis: expressed, however, with due deference to the sentiments of the province, with which your Petitioners are anxiously solicitous of being made acquainted.

It is therefore their earnest and humble request, that your Excellency would be pleased to allow the General Assembly to meet at the time to which it now stands prorogued; in order that in that *Constitutional* body, with whom it is to inquire

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inquire into Grievances and redress them, the joint wisdom of the province may be employed, in deliberating and determining on a matter so important and alarming.

(No. IV.)

THE GOVERNOUR'S ANSWER to the foregoing PETITION,

GENTLEMEN,

THE royal charter reserves to the Governour full power and authority, from time to time, as he shall judge necessary, to adjourn, prorogue, and dissolve the General Assembly.

In the exercise of this power, both as to time and place, I have always been governed by a regard to his Majesty's service and to the interest of the province.

It did not appear to me necessary for those purposes that the Assembly should meet at the time to which it now stands prorogued; and, before I was informed of your address, I had determined to prorogue it for a further time.

The reasons which you have advanced have not altered my opinion.

If, notwithstanding, in compliance with your petition, I should alter my determination and meet the Assembly, contrary to my own judgement, at such time as you judge necessary, I should, in effect, yield to you the exercise of that part of the prerogative, and should be unable to justify my conduct to the King.

There would, moreover, be danger of encouraging the inhabitants of the other towns in the province to assemble, from time to time, in order to consider of the necessity or expediency of a session of the General Assembly, or to debate and transact other matters which the law that authorizes

rizes towns to assemble does not make the business of a town-meeting.

T. HUTCHINSON.

Province-House, Nov. 2. 1772.

To the inhabitants of the town
of Boston in Town-Meeting
assembled at Faneuil-Hall.

This reply having been read several times and duly considered; it was moved, and the question accordingly put—Whether the same be satisfactory to the town, which passed in the Negative, *Nem. Con.*

And thereupon RESOLVED, as the opinion of the inhabitants of this town, that they have, ever had, and ought to have, a right to petition the King or his representative for the redress of such grievances as they feel, or for preventing of such as they have reason to apprehend; and to communicate their sentiments to other Towns.

Attest,

WILLIAM COOPER, *Town-Clerk.**

* I have here reprinted this Account of the Proceedings of the Town-Meeting of Boston, because it appears to me to contain the fullest and most able statement of the grievances and the claims of the British Colonies in North-America, before the unhappy war which ended in the separation of them from the Mother-Country, that I have ever seen. As to the arguments that were used for and against those claims in the years immediately preceeding that war, by the writers on both sides of the question, the reader may see them fully and fairly stated and examined in the first volume of the *Canadian Freeholder*. And a true history of the passing of the stamp-act in March, 1763, during the ministry of Mr. George Grenville, and of the repeal of it in the following spring of 1766, in the ministry of the Marquis of Rockingham, Mr. Dowdeswell, and General Conway, with a full and clear exhibition of the strong reasons of prudence and equity upon which that repeal was grounded, may be seen in the printed copy of an excellent speech of the late Mr. Edmund Burke, delivered in the House of Commons on the 19th of April, 1774, which has been lately republished with his other works. It is a master-piece of truth and eloquence.

F. M.

AN ACCOUNT
OF THE
NOBLESSE, OR GENTRY, IN CANADA,
IN THE YEAR 1775.

THERE are only twenty-two names of noble families in all Canada ; therefore, if we allow five persons to a name, there are about one hundred noble persons in Canada, men, women, and children.

This *Noblesse* has nothing to do with the landed property of the country in consequence of their nobility. Some of them, indeed, have seigniories ; but others of them are exceeding poor, not having 100*l.* sterling, some not 30*l.* a year, to maintain themselves and their families, either in land or other property.

Those of them who are tolerably rich, live in the towns of Quebec and Montreal all the year, except, perhaps, a month, or less, when they visit their seigniories to collect their rents and dues. They were used to pay court to the Governour and Intendant, and other officers of the Crown, in the time of the French Government, and never to try to make an interest with the people. And, accordingly, they have very little interest with the people, by whom they are rather hated, (and formerly were feared,) than loved or respected.

The nobles hitherto spoken-of are the *hereditary* nobility. There were in old France, in the year 1740, no less than fifty thousand of those noble families, according to the account given of them by that most faithful of all French writers of history, the *Abbé de Saint Pierre*, in his *Political Annals*. It is easy to see that many of these noble persons must be totally

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without

without property. This nobility descends to all the male posterity of the persons ennobled, from generation to generation, *ad infinitum*, to younger sons of younger sons of younger sons. This causes the number of these noble persons to be so enormously great.

Persons become noble in this complete, or hereditary, manner, either by letters patent of the King of France creating them so, though without a title, (for a title is not necessary to make a man noble,) or by exercising certain honourable offices in the state. For example, the family of every member of a parliament in France, or of any other *sovereign* court of justice, (that is, court of justice to which appeals lie from inferior courts, and from which no appeals lie to any higher court, except to the King himself in his council of state,) who dies in his office, or who holds it for twenty years, and then resigns it, is thereby ennobled. So is the family of every General Officer of the army who dies in his employment, or holds it for a certain number of years. So is the family of a Captain in the army who has served ten years in it, and whose father and grand-father have also served, each of them, ten years in it in the same rank.

Besides this hereditary nobility, there are many nobles for life. A Captain in the army who has served in that commission, (or, I believe, in that commission together with the inferior commissions of Ensign and Lieutenant,) for the space of twenty years, is thereby ennobled for his life, though his father was not an officer, nor noble in any degree.

Of this latter sort of nobles there are several in Canada. General Carleton, in a letter to Lord Shelburne in the year 1767, reckons-up about one hundred and twenty persons, who had commands either in the French army or the militia of Canada, or civil employments, or grants from the French king of exclusive rights to trade with the Indians in particular trading

trading-posts, or some other advantages under the French government, which they had lost by the change of government. But this loss did not follow from their being Roman-catholicks; for, if they had been protestants, they must have lost these advantages equally, as most of the places they held have no existence under the English government, and the few places, or offices, that continue under the new government, are such as they are not personally qualified to discharge, though they should be protestants, such as the offices of judges, collector and comptroller of the customs, receiver-general of the revenue, &c.

These people, therefore, cannot be gratified by only taking-away the disabilities arising from their being Roman-catholicks, nor without creating new places, or employments, civil and military, to bestow upon them; which would be not only unreasonably expensive to Great-Britain, but also dangerous; and all their complaints against the English laws, on account of the disabilities they impose on Roman-catholicks, are at the bottom only begging letters. Among these one hundred and twenty discontented persons, there are some who are of noble families, so as to transmit the nobility to their children; but the greater part of them are only noble for life by their employments, and some of them not noble at all, either because they have not held their employments long enough to make them so, or because their employments were not of such a nature as to confer nobility, of any kind, on the persons who held them. Yet these one hundred and twenty persons are the principal persons who have complained of the English laws, and been the cause of the late act of parliament*. The rest of the one

* This act was passed on the 10th of June, 1774, and is entitled "*An Act for making more effectual Provision for the Government of the Province of Quebec in North America.*"

hundred and twenty thousand, or, according to General Carleton's estimation of them, one hundred and fifty thousand, inhabitants of Canada, were very well pleased with the change of government, and have often acknowledged that they were happier under the English government than they had ever been before.

In France it is a privilege of the nobility to be exempted from paying a certain land-tax, which is called the *taille personnelle*: but there was no such tax in Canada under the French government.

It is another privilege of the nobles, that they alone can enjoy the rights of Judicature, (*les droits de haute, moyenne, et basse justice*,) which may have been annexed, by the French king's grants, to any feignories, or large tracts of land, held of the crown by the tenure of doing fealty and homage, (*foi et hommage*,) of which they may happen to be possessed. If a man that was not noble purchased one of these feignories, he might enjoy all the pecuniary rights belonging to it, such as the mill-tolls due from the freehold tenants, and the fines for alienation; but he could not, without the French king's licence, exercise the rights of judicature belonging to it. However, this was a matter of small consequence with respect to Canada, because, in that country, scarce any of the owners of feignories exercised these rights of judicature in the time of the French government, though they were usually mentioned in the grants of their feignories. But the expense attending the exercise of these rights of judicature, (such as keeping a prison, with a steward, or judge of the court, a feignorial, or fiscal, attorney, and a register of the court,) was too great for them. And further, their right of holding these courts was so checked and controuled by the king of France's edicts, and the provincial regulations upon that subject, that it would have been but a sort of ornament

tal right, or feather in the cap, of those who should have held them, rather than a real and substantial degree of power in them. I believe there was not one single lay seignior in all Canada before the late conquest, that exercised these rights of judicature; but certainly, if there were any, they were exceeding few: and none of them have been exercised since the conquest.

The French owners of seigniories sometimes talk of the hardship of not being permitted to exercise their seigniorial jurisdictions under the English government. There may, perhaps, be some little injustice in it, because it is a sort of appendage to their landed property, which has been granted to them without reserve by the capitulation and the treaty of peace; yet this is doubtful. But it is certain there is no *hardship* in it at all; for, if they could exercise them, they would not do so, for the reasons above-mentioned. Their view in making these complaints is to induce the Government to buy these jurisdictions up, as they have heard the parliament did in the year 1747, with respect to the Scotch heritable jurisdictions. But these complaints come with an ill grace from such of the French seigniors as are not noble, (which is the case with many of them,) since they had no right to exercise these jurisdictions under the French government.

Many of the nobles have no seigniories at all, nor any other landed property. There are scarce any people in Canada that have patrimonial fortunes to any considerable amount. The few rich men amongst the French there have acquired their own fortunes in the service of the king of France, that is, most probably, by cheating the king and oppressing the people: for the pay of the French military officers is but about a third part of the pay of our officers, and the pay of their judges and other civil officers is low in proportion; so

that it is hardly possible for them to live upon their lawful salaries, much less to save fortunes out of them : and therefore, whenever persons in those situations grow rich, one may pretty safely conclude that they have been great rogues, and have either cheated the king, or oppressed the people, to a great degree.

Many of the nobles of Canada retired to Old France after the peace ; almost all that could afford it conveniently : and it would have been happy for the province if the rest had followed them. This is not only the opinion of many Englishmen, who are acquainted with the province of Quebec, but also that of the Abbé Raynal, in his account of the European settlements in the East and West Indies. His words are these, in speaking of the success of the British arms in the late war. “ *L'acquisition d'un territoire immense n'est pas toutesfois le plus grand fruit que la Grande Bretagne doit retirer de la prospérité de ses armes. La population considérable qu'elle y a trouvée est un avantage bien plus important. A la vérité quelques uns de ces nombreux habitants ont fui une domination nouvelle qui n'admettoit entre les hommes d'autre différence que celle des qualités personnelles, de l'éducation, de l'aisance, de la faculté d'être utile à la société. Mais l'émigration de ces êtres méprisables dont l'importance n'avoit pour base que les coutumes barbares, at-elle dû être regardée comme une calamité ? La colonie n'auroit-elle pas beaucoup gagné à être débarrassée de tous ces nobles oisifs qui la surchargeoient depuis si long temps, de ces nobles orgueilleux qui y entretenoient le mépris de tous les travaux ?* ”

There are in Canada a few knights of the order of St. Lewis. These are officers who served in the French army in the late war, and who obtained this knight-hood as a reward either of their valour on some signal occasion, or of their long

long service, (twenty years' service being reckoned sufficient to give a man a sort of right to this order,) or perhaps by mere favour. These people are, for the most part, very poor and very proud. Their honour is not hereditary : and there are not many of them in the province ; I believe, not more than a dozen.

To the Printer of the PUBLIC ADVERTISER.

SIR,

Feb. 25, 1790.

HEREWITH I send you a translation of a long note in the account lately published by the *Count of Lally TOLENDAH*, a very eminent Member of the National Assembly of France, of his conduct in that capacity, and of his reasons for resigning his seat in that assembly in October last, when the King of France was forcibly taken from Versailles by the democratic party now prevailing in France, and was carried to Paris. This gentleman was a deputy of the nobility of the district of Dourdans, and seems to be a very sincere lover of his country, and of a moderate and well-regulated system of liberty, as well as to be a man of great abilities, and very extensive information on political subjects. His work is exceedingly curious, and very worthy of the perusal of every person who has any desire of being informed of the proceedings of the French National Assembly; and it seems to me to prove, that the account given of the late proceedings in France by Mr. Burke, in the House of Commons, a few days* ago, is agreeable to the truth; a highly democratical spirit does prevail there, and the Members of the National Assembly are overawed by it, and dare not act in opposition to it; and too many acts of a *bloody, ferocious, and tyrannical nature*, have been committed by the common people against the Nobility, or rather, Gentry, of the country, in many different provinces of the kingdom. Some of the most remarkable of these acts are specified in the note of which I herewith send you a translation, the insertion of which, in your useful

* On the 9th of February, 1790.

paper,

paper, may not only serve as a vindication of Mr. Burke's assertion, but will convey some important and entertaining information on this interesting subject to your numerous readers.

I am, Sir,

Your humble servant,

VERUS.

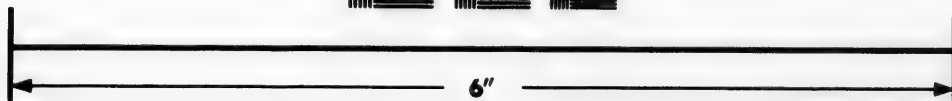
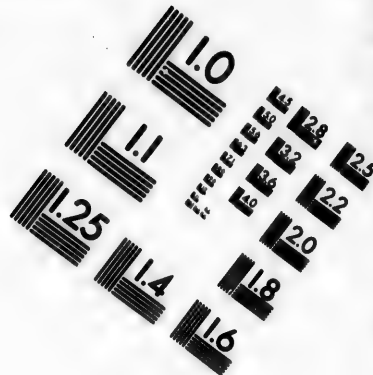
F. M.

Translation of a Note in the Letter of the Count of LALLY TOLEND AHL, a late Representative of the Nobility in the French NATIONAL ASSEMBLY, to his Constituents in the Bailiwick of Dourdans, giving an Account of his Conduct in the said National Assembly, and the Reasons that induced him to resign his Seat in it, in the Month of October, 1789.

THE Count of Mirabeau, at that time, threw-out a censure upon me for having represented, (as he expressed it) “a few irregular and unfortunate proceedings that had lately happened,” as being great and horrible calamities, and “a few steps that had been taken as necessary precautions in the then unsettled state of our country, from a want of confidence in the intentions of the Court,” as being acts of inhuman ferocity.

This accusation, it behoves me to refute; and I, therefore, appeal to any impartial persons to be informed, whether, in their opinion, “the destroying of houses, and laying-waste of lands, and the murdering innocent and helpless persons in many parts of the kingdom, without the smallest provocation;—as, for instance, the destruction, burning, or plundering of no fewer than thirty-six gentlemen’s seats, (of which I had a list in my hand at the time I used the words objected to me) in only a single province of the kingdom,” might not justly





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justly be considered as *public and dreadful calamities*, instead of being treated as *trifling and excusable irregularities*, as Monsieur de Mirabeau is pleased to call them.

And, as to the other acts of violence which Monsieur de Mirabeau chooses to consider as *necessary or prudential measures, arising from a want of confidence in the intentions of the Court*; these, also, I presume, ought rather to be called by the name that I have given them, of *acts of inhuman ferocity*, or I know not what can ever deserve to be so entitled. Some of these acts are as follows; to wit, in the first place, in the Province of Languedoc, *Monsieur de Barras* was cut to pieces by the mob in the presence of his wife, who was big with child, and ready to lie-in, and who died afterwards of the shock it gave her:—2dly, In the city of Mans, *Monf. de Montesson* was shot to death, after having been a spectator of the cutting of his father-in-law's throat —3dly, In Normandy, a poor, helpless, old man, who was a cripple with the palsy, was put upon a pile of faggots, which were set on fire under him, and was afterwards left by his tormentors in that condition, and then removed from it by his friends, after his hands had been burnt-off:—and, 4thly, in the same province of Normandy, a nobleman's land-steward had his feet burnt by the people, in order to force him to deliver-up his master's title-deeds;—and, 5thly, in the same province, the unhappy *Monsieur de Balzunce*, (who had, with a generous and noble confidence, put himself into the hands of the people who came to attack him, instead of endeavouring to escape from them,) was nevertheless put to death by them with so much eagerness and impatience, that, in shooting at him in opposite directions at the same time, his murderers killed some of themselves:—and, 6thly, in the province of Franche-Comté, *Madame de Battilly* was compelled by threats of instant death, and with a hatchet held over her head, to give-up her title-deeds, and

even

even her land:—and, 7thly, in the same province, *Madame de Liffenay* was forced to make the same surrender of her property, with a halter round her neck, and her two daughters lying near her in a state of insensibility, having fainted away with terror at the sight:—and, 8thly, the very respectable *Marquis of Ormenan*, an old gentleman, trembling with the palsy, was forced to fly from his country-seat in the middle of the night, to avoid being murdered by the mob, and was afterwards pursued by them from town to town, till he got out of the province, and arrived at *Basle*, in Switzerland, almost dead with fatigue and terror, with his daughters, who had accompanied him, and reduced to a state of despair:—and, 9thly, the *Count of Montefu* and his wife, were kept by the mob in a state of continual terror, with pistols held to their breasts, for three hours together, (during which time they desired the people, as a favour, to put them to death without delay,) and were at last dragged out of their carriage in order to be thrown into a pond and drowned, when they were saved by the interposition of a regiment of soldiers, who happened to come-by at that instant:—and, 10thly, the *Baron of Mont Juslin* was taken by a mob, and kept in a state of continual terror under the apprehension of instant death, for the space of an hour and a half, by being held on the top of a well, while they deliberated, in his hearing, whether they should put him to death by letting him drop into the well, (where he would have been drowned,) or should destroy him in some other manner:—and, 11thly, *Count Lallemand* and the *Duchess of Tonnerre* were treated with great cruelty; and the *Chevalier d'Ambli* was taken by force from his country-house, and barbarously dragged, naked, along the village that belonged to him, and then thrown upon a dunghill, after having had his eye-brows, and the hair of his head, plucked-out by the roots, while the people who were spectators of this cruelty,

cruelty, amused themselves with dancing round him; besides a number of the like cruel outrages, committed in the provinces of *Alsace* and *Dauphiny*, and the city of *Troyes* in *Champagne*, and also in the neighbourhood of Paris, almost within sight of the National Assembly. This is a short account of the actions which the Count de Mirabeau has called *necessary precautions, arising from a want of confidence*, and which he censures me for having unjustly misrepresented as *acts of inhuman ferocity*. I leave the reader to determine which of us has denoted them by the more proper appellation.

And, upon this occasion, I cannot forbear asking those gentlemen who talk of *the want of confidence in the intentions of the Court, and the Nobility*, as having been the motive that urged the people to commit these acts of violence, as prudential measures necessary to their own safety;—I say, I must ask these gentlemen, who it was that inspired the people with this want of confidence, and thereby became the first authors of the mischiefs it occasioned? Who was it that encouraged the people to rise in a seditious manner, both in the open countries, and great towns of the kingdom?—Who was it that wrote letters to the people at *Vesoul*, to inform them that the representatives of the Nobility, who had been sent to the National Assembly, had formed a plot to blow-up with gunpowder the great room in which the Assembly met, at a time when only the representatives of the Third Estate, or Commonalty, were assembled in it?—Who was it that persuaded the peasantry of the province of *Franche-Comté*, that the Nobility were the King's enemies? Who was it that forged those pretended orders from the King to authorize and encourage the common people to fall upon the Nobility, or Gentry, wherever they met them, and to demolish and lay-waste their houses and possessions? Why was that most diabolical lie

which

which was spread-about against *Monf. de Mefmay*, "of his having caufed a great number of the common people to be invited into a room in his houfe, that had been undermined with gunpowder, in order that they fhould then be all blown-up at once;" and which for a confiderable time excited againft him, in the minds of all the world, the indignation and horror that fuch an action ought to produce; I fay, why was this moft abominable calumny, when it was difcovered to be but a calumny, fuffered by the National Affembly to die-away in f Silence and neglect; inftead of being fifted to the bottom, in order to find-out and punifh the villains who had invented it, againft whom all the indignation, that had before been felt againft *Monf. de Mefmay*, ought then to have been directed? And have I not reafon to complain, that, when I have expreffed, in the National Affembly, the indignation and horror with which both the commiffion of fo many horrid crimes, and the impunity that attended them, had filled me, my sentiments fhould be confidered, at fome times, as a mark of a weak and effeminate fpirit, and, at others, as an indication of luke-warmnefs in the caufe of Liberty?—They little know the temper of my mind who put thefe interpretations on my conduct. No man is more inflamed with zeal for that nobleft of all caufes in which men of fpirit can be engaged, than I am: No man can more admire the heroic conduct of the Englifh North-Americans, in their late refiftance to the endeavours of Great-Britain to enslave them, or that of the Dutch, of the century before laft, when they freed themfelves from the tyranny of the King of Spain, than I do: No man can more sympathize with both thofe nations in the various events of thofe two noble ftruggles for Liberty, nor more fincerely rejoice at the final 'appy fuccefs of them. But to fee downright robberies juftified by quibbling pretenders to reafon! to fee the poor peafants excited to go-about and burn honeft men's

houfes,

houses, by a set of rogues, that forge pretended orders from their Sovereign for so doing! to see assassinations of the Nobility encouraged by declaiming orators, that set-up for the patrons of Liberty! and this, when the Nobility made no opposition to the measures which the publick welfare made necessary;—when they consented to every proposal;—when it was not in their power to oppose any thing;—when a considerable part of them had zealously embraced the interests and designs of the commonalty, and all of them had agreed to give-up their exemption from taxes, and other pecuniary, or profitable, privileges, and would have been contented with retaining only their honorary distinctions!—To see such things done and encouraged, and not to be shocked and disgusted, and dispirited, at the sight, is, I confess, above my pitch of firmness, and, as I suppose, above that of any other man, who is not totally divested of every sentiment of justice and humanity.

End of the Translation of the Note, in Count Lally's Letter.

IT is much to be lamented that, after these atrocious actions had been committed in France and were well known in England, that eminent member of the English House of Commons, the late Mr. Charles James Fox, did not join with Mr. Burke, (his former great associate in politics,) in expressing a proper detestation of them and of the wild and extravagant Revolution in the French Government to which they were intended to be subservient. If he, and all his numerous partizans, (who were in the habit of adopting his opinions upon political subjects,) had considered that dreadful event in the true light in which it had been represented by Mr. Burke, as being, from the very beginning,

ning, a system of Robbery and Murder directed against the owners of Landed property in France, both of the Clergy and the Laity, which threatened to over-throw the most powerful and best-established monarchy in Europe, and ultimately to destroy every trace of the people's former Liberties and Privileges, and reduce them to a state of complete slavery under the absolute and arbitrary rule of some upstart Military Despot (which is the state in which we now behold them,) there is reason to think that a declaration made by him and his friends, in their speeches in parliament, of such a disapprobation of the violent measures of the first National Assembly of France and of the riotous mobs of Paris in support of them, would have checked them in their career of Injustice and Folly, or, at least, would have prevented their falling into the mistaken opinion that the great body of the English Nation were full of Admiration of the new and bold changes which they had made in their Government, and were wishing and preparing to imitate their noble example, by making similar changes in the Government of England. But, instead of joining with Mr. Burke in this prudent and patriotic conduct, Mr. Fox, long after the abominable outrages, described above in Count Lally's note, were known in England, declared in the House of Commons, "*that he looked-upon the French Revolution as the highest effort of human Wisdom, for the promotion of human Happiness that he had ever heard-of.*" And many other persons in England seemed to entertain the same opinion of it for more than three years together, or till September, 1792; when the cruel massacres of great numbers of inoffensive priests and laymen (who were confined in the prisons of Paris), perpetrated with the knowledge and consent, or, rather, by the direction, of *Danton*, then newly-appointed Minister of Justice,—and the numerous subsequent, almost daily, murders

of

of innocent persons by the guillotine during what is called *the reign of Terror*, under the new republican Government; during the power of *Robespierre*,—opened their eyes to the miserable consequences of those mad innovations, and taught them to know and to value the more certain and sober sort of Liberty which they themselves had constantly enjoyed under the protection of the limited Monarchy of England. There were, however, several noblemen and gentlemen of rank and consequence, in both Houses of Parliament, who, (though they had acted in conjunction with Mr. Fox for some years before the breaking-out of the disastrous French Revolution,) thought fit to differ from him upon this great occasion, and to declare, even in the beginning of the French Revolution, that they agreed with Mr. Burke in his opinions upon this subject. Of these judicious and patriotick persons, one of the most eminent in the House of Lords was the duke of Portland, and one of the most distinguished in the House of Commons was Mr. William Windham, who has since been one of the King's Secretaries of state. It is, perhaps, owing to the efforts of these worthy persons who adopted Mr. Burke's opinions upon this subject, that England has not been thrown into confusion and misery by a change of our happy form of Government into a Republick in imitation of the French Revolution.

AN ACCOUNT OF THE OPINIONS OF THE LATE ADAM
SMITH, LL. D. AUTHOR OF "THE WEALTH OF NA-
TIONS," CONCERNING THE WORKS OF SEVERAL ENG-
LISH AUTHORS.

*To the PRINTER of the WHITEHALL EVENING
Post.*

SIR,

IN the year 1780, I had frequent occasion to be in com-
pany with the late well-known Dr. Adam Smith. When
business ended, our conversation took a literary turn; I was
then young, inquisitive, and full of respect for his abilities
as an author. On his part he was extremely communica-
tive, and delivered himself, on every subject, with a free-
dom, and even boldness, quite opposite to the apparent re-
serve of his appearance. I took-down notes of his conversa-
tion, and have here sent you an abstract of them. I have
neither added, altered, nor diminished them, but merely put
them into such a shape as may fit them for the eye of your
readers.

Of the late Dr. Samuel Johnson, Dr. Smith had a very
contemptuous opinion. "I have seen that creature," said
he, "bolt-up in the midst of a mixed company; and, with-
out any previous notice, fall upon his knees behind a chair,
repeat the Lord's Prayer, and then resume his seat at table.
He has played this freak over and over, perhaps five or six
times, in the course of an evening: It is not hypocrisy, but
madness. Though an honest sort of man himself, he is always
patronising scoundrels. Savage, for instance, whom he so
loudly praises, was but a worthless fellow; his pension of fifty
pounds

pounds a year never lasted him longer than a few days. As a sample of his economy, you may take a circumstance, that Johnson himself once told me. It was, at that period, fashionable to wear scarlet cloaks trimmed with gold lace; and the Doctor met him one day, just after he had got his pension, with one of these cloaks upon his back, while, at the same time, his naked toes were sticking through his shoes."

He was no admirer of the Rambler or the Idler, and hinted, that he had never been able to read them. He was averse to the contest with America; yet he spoke highly of Johnson's political pamphlets: but, above all, he was charmed with that respecting Falkland's Islands, as it displayed, in such forcible language, the madness of modern wars.

I enquired his opinion of the late Dr. Campbell, author of the Political Survey of Great Britain. He told me, that he never had been above once in his company; that the Doctor was a voluminous writer, and one of those authors who write from one end of the week to the other, without interruption. A gentleman, who happened to dine with Dr. Campbell in the house of a common acquaintance, remarked, that he would be glad to possess a complete set of the Doctor's works. The hint was not lost; for next morning he was surprised at the appearance of a cart before his door. This cart was loaded with the books he had asked for; the driver's bill amounted to *seventy pounds!* As Dr. Campbell composed a part of the Universal History, and of the Biographia Britannica, we may suppose, that these two ponderous articles formed a great part of the cargo. The Doctor was in use to get a number of copies of his publications from the printer, and keep them in his house for such an opportunity. A gentleman, who came in one day, exclaimed, with surprise, " Have you ever read all these

these books?"—"Nay," replied Dr. Campbell, laughing, "I have written them."

Of Swift, Dr. Smith made frequent and honourable mention. He denied that the Dean could have written the Pindarics printed under his name. He affirmed, that he wanted nothing but inclination to have become one of the greatest of all poets. "But, in place of this, he is only a gossip, writing merely for the entertainment of a private circle." He regarded Swift, both in style and sentiment, as a pattern of correctness. He read to me some of the short poetical addresses to Stella, and was particularly pleased with one couplet—

"Say, Stella, feel you no content,

"Reflecting on a life well-spent?"

Though the Dean's verses are remarkable for ease and simplicity, yet the composition required an effort. To express this difficulty, Swift used to say, *that a verse came from him like a guinea*. Dr. Smith considered the lines on his own death, as the Dean's poetical masterpiece: He thought that, upon the whole, his poetry was correct, after he settled in Ireland, when he was, as he himself said, surrounded "only by humble friends."

The Doctor had some singular opinions. I was surprised at hearing him prefer Livy to all other historians, ancient and modern. He knew of no other who had even a pretence to rival him, if David Hume could not claim that honour. He regretted, in particular, the loss of his account of the civil wars in the age of Julius Cæsar; and when I attempted to comfort him by the library at Fez, he cut me short. I would have expected Polybius to stand much higher in his esteem than Livy, as having a much nearer resemblance to Dr. Smith's own manner of writing. Besides his miracles, Livy contains an immense number of the most obvious and gross falsehoods.

He was no sanguine admirer of Shakespeare. "Voltaire, you know," says he, "calls Hamlet the dream of a drunken savage."—"He has good scenes, but not one good play." The Doctor, however, would not have permitted any body else to pass this verdict with impunity. For when I once afterwards, in order to sound him, hinted a disrespect for Hamlet, he gave a smile, as if he thought I would detect him in a contradiction, and replied, "Yes! but still Hamlet is full of fine passages."

He had an invincible contempt and aversion for blank verse; Milton's always excepted. "They do well," he said, "to call it *blank*, for blank it is; I myself, even I, who never could find a single rhyme in my life, could make blank verse as fast as I could speak; nothing but laziness hinders our tragic poets from writing, like the French, in rhyme. Dryden, had he possessed but a tenth part of Shakespeare's dramatic genius, would have brought rhyming tragedies into fashion here as well as they are in France, and then the mob would have admired them just as much as they now pretend to despise them.

Beattie's Minstrel he would not allow to be called a poem; for it had, he said, no plan, no beginning, middle, or end. He thought it only a *series of verses*; but a few of them very happy. As for the translation of the Iliad, "They do well," he said, "to call it *Pope's Homer*; for it is not Homer's Homer. It has no resemblance to the majesty and simplicity of the Greek." He read-over to me *l'Allegro* and *Il Penseroso*, and explained the respective beauties of each, but added, that all the rest of Milton's short poems were trash. He could not imagine what had made Johnson praise the poem on the Death of Mrs. Killigrew, and compare it with Alexander's Feast. The criticism had induced him to read it over, and with attention, twice; and he could not discover even a spark of merit. At the same time, he mentioned

Gray's

Gray's Odes, (which Johnson has damned so completely, and, in my humble opinion, with so much justice,) as the standard of lyric excellence. He did not much admire the Gentle Shepherd. He preferred the *Pastor Fido*, of which he spoke with rapture, and the Eclogues of Virgil. I pled as I could for Allan Ramsay, because I regard him as the single unaffected poet whom we have had since Buchanan.

Proximus huic, longo sed proximus intervallo.

He answered, "It is the duty of a poet to write like a gentleman. I dislike that homely style which some think fit to call the language of nature and simplicity, and so forth. In Percy's Reliques too, a few tolerable pieces are buried under a heap of rubbish. You have read, perhaps, Adam Bell, Clym of the Cleugh, and William of Cloudfellie." I answered, Yes. "Well then," said he, "do you think that was worth printing?" He reflected with some harshness on Dr. Goldsmith; and repeated a variety of anecdotes to support his censure.

They amounted to prove that Goldsmith loved a wench and a bottle; and that a lie, when to serve a special end, was not excluded from his system of morality. To commit these stories to print would be very much in the modern taste; but such proceedings appear to me as an absolute disgrace to typography.

He never spoke but with ridicule and detestation of the *Reviews*. He said that it was not easy to conceive in what contempt they were held in London. I mentioned a story I had read of Mr. Burke having seduced and dishonoured a young lady, under promise of marriage. "I imagine," said he, "that you have got that fine story out of some of the Magazines. If any thing can be lower than the *Reviews*, they are so. They once had the impudence to publish a story of a gentleman's having debauched his own sister; and

upon inquiry, it came-out that the gentleman never had a sister. As to Mr. Burke, he is a worthy, honest, man. He married an accomplished girl, without a shilling of fortune." I wanted to get the Gentleman's Magazine excepted from his general censure; but he would not hear me. He never, he said, looked at a Review, nor even knew the names of the publishers.

He was fond of Pope, and had by heart many favourite passages; but he disliked the private character of the man. He was, he said, all affectation, and mentioned his Letter to Arbuthnot, when the latter was dying, as a consummate specimen of canting; which, to be sure, it is. He had also a very high opinion of Dryden, and loudly extolled his Fables. I mentioned Mr. Hume's objections; he replied, "You will learn more as to poetry, by reading one good poem, than by a thousand volumes of criticism." He quoted some passages in Defoe, which breathed, as he thought, the true spirit of English verse.

He disliked Meikle's translation of the Lusiad, and esteemed the French version of that work as far superior. Meikle, in his presence, has contradicted, with great frankness, some of the positions advanced in the Doctor's Inquiry, which may perhaps have disgusted him; but, in truth, Meikle is only an indifferent rhymist.

Dr. Smith, with Lord Gardenstone, regarded the French Theatre as the standard of dramatic excellence.

He said, that at the beginning of the present reign, the dissenting ministers had been in use to receive two thousand pounds* a year from Government; that the Earl of Bute had, (as he thought, most improperly) deprived them of this allowance, and that he supposed this to be the real motive of their virulent opposition to Government.

Glasgow.

* This sum of money has been generally represented as seven thousand pounds a year.

ON

ON THE DOCTRINE OF LIBELS,

AS IT HAS BEEN REPRESENTED BY SOME JUDGES.

To the PRINTER of the PUBLIC ADVERTISER.

MR. PRINTER,

February 15, 1792.

I CANNOT but rejoice to find, that Mr. Fox has resolved to employ his great abilities in endeavouring to ascertain the **LEGAL DOCTRINES** concerning **LIBELS**, and to correct them, if found to be detrimental to a just and moderate liberty of reasoning upon political measures. One of the points that will probably be the object of the House's consideration in the debate that will arise upon this subject is, "the right of the jury to inquire into the *intention* of the writer, or publisher, of the paper prosecuted as a seditious libel; and, into the *tendency* of the said paper to raise sedition, or disturbance in the country, which is always ascribed to it in the Indictment, or Information, against the publisher, and constitutes the very essence of the crime imputed to him." Now these points have been, by many modern Judges, considered as *matters of law*, and therefore, say they, as matters to be reserved for the cognizance of the Judges only, and not for that of the jury, whose whole business is, to declare "whether, or not, the paper in question (such as it is, innocent or mischievous,) was published by the person accused." Lord Mansfield, in particular has called the opinion, which a reader will form of the bad tendency of the paper, and of the wicked intention of the writer of it, from the perusal of it, *an inference of law*; as if the knowledge of the law were requisite to form such an inference. But, surely, this may be done without the

smallest acquaintance with either Lord Coke's Institutes, or his Reports, or Plowden's Reports, or any other such recondite learning, and by the mere assistance of common sense, and an ordinary acquaintance with the business and transactions of the world, such as a juryman may be supposed to be possessed-of. And, therefore, I should think it ought rather to be called *an inference of reason*, than *an inference of law*, and to be left to the cognizance of the jury; in the same manner as, in a charge of burglary, or house-breaking by night, with an intention to commit a felony, the jury are to determine not only whether the prisoner at the bar broke into the house by night, but whether he did so with an intention to commit a felony. These are inferences of reason and common sense, and not of law, as Lord Mansfield, and some other Judges, have represented them, for the sake of taking them out of the cognizance of the jury: though, in truth, if they were inferences of law, it would not follow that the jury would have no right to determine them; because "every point of law that is accidentally intermixed with matters of fact, in the complicated issue, or question, referred to the determination of a Jury, is within their cognizance," as Littleton (the great oracle of the law) has expressly declared, and all subsequent lawyers have allowed. But, this is a point not necessary to be insisted-on in considering the doctrine of libels, because in those prosecutions, all the points to be determined are mere matters of fact: to wit, 1st, Whether the man published the paper—2dly, Whether he had a bad design in publishing it—and 3dly, Whether the paper has a bad tendency, or is likely to produce bad effects; which last point is as truly a matter of fact, as, "whether a man who is charged with wounding another with a sword, touched him with a sword, or touched him with a fencing-foil with a button at the end of it," or as, "whether a person who is

charged

charged with poisoning another, by giving him a glass of wine, gave him a glass of mere wine, or a glass of wine with arsenic in it."

This doctrine of Lord Mansfield, and some other Judges, (but which Lord Camden has repeatedly condemned), "that these points are inferences of law, and, therefore, (as they too hastily conclude,) not within the jurisdiction of the jury," was not first invented by Lord Mansfield, but was laid-down by Lord Raymond, in the case of the *King and Franklin*, which was tried on the 3d of December, 1731; and it has been most commonly, but not, I think, constantly, adhered-to by the Judges ever since. But it was not the doctrine laid-down in the trial of the seven bishops, in the year 1688, or the last year of King James the Second, nor by Lord Chief-Justice Holt, in the reign of Queen Anne. For, in the trial of Mr. Tutchin, in that reign, for one of the most seditious libels that ever were known, that great Chief-Justice addresses the jury in these words: "Gentlemen of the Jury—this is an Information for publishing libels against the Queen and her Government;" and then, after stating the proof of the publication of the papers, and reading some passages from them, he goes-on in this manner—"So that, "now you have heard this evidence, you are to consider "whether you are satisfied that Mr. Tutchin is guilty of "writing, composing, and publishing these libels. They "say, these are innocent papers, and that nothing is a libel "but what reflects upon some particular person. But this "is a very strange doctrine, to say, it is not a libel reflecting on Government---to endeavour to possess the "people, that the Government is mal-administered by corrupt persons that are employed in such and such stations, "either in the navy or army. For it is very necessary for "every Government that the people should have a good "opinion of it; and nothing can be worse than to endeavour
" to

“ to excite any animosities as to the management of it.
 “ This has been always looked-upon as a crime; and no
 “ Government can be safe unless it be punished. Now,
 “ *you are to consider*, whether those words I have read to
 “ you do not tend to beget an ill opinion of the Admin-
 “ nistration of the Government?” Here, we find this
 able Chief Justice expressly directing the Jury to consider
the tendency of the papers in question—to wit, “ whether,
 “ they do not tend to beget an ill opinion of the adminis-
 tration of the Government?” instead of telling them, (as
 modern Judges have often done) that this tendency is a
 mere inference of law, which the Judges only have a right
 to make, without any concurrence of the Jury. And to this
 most reasonable and valuable right of considering both the
 tendency of the papers complained-of, and the intention of
 the writer, or publisher, in publishing them, which is usu-
 ally an inference of reason, or common sense, not of law,
 to be drawn from the tendency of them; (though some-
 times it happens, that this intention may even be proved,
 by the positive testimony of witnesses, which is an addition-
 al mark of its being *a matter of fact*, and not *a matter of*
law). I hope, the Juries of this country will now be restored,
 by the laudable and patriotick efforts of Mr. Fox and Mr.
 Erskine in the course of the approaching debate.

PHILELEUTHERUS.

F. M.

THE

THE BILL PROPOSED BY MR. FOX AND MR. ERSKINE IN
SUPPORT OF THE RIGHT OF JURIES TO DETERMINE
THE WHOLE MATTER IN ISSUE IN CRIMINAL PROSE-
CUTIONS FOR PUBLISHING LIBELS.

From the PUBLIC ADVERTISER, Feb. 15, 1792.

UPON a subject in which every Englishman is so materially interested as in the *power of a jury*, our readers may be gratified by a perusal of Mr. Fox's *Bill*, patriotically brought into Parliament to *remove DOUBTS respecting the FUNCTIONS of JURIES, in cases of LIBEL.*

The bill was yesterday read a third time, and passed to the Lords; it is extremely short, and, *verbatim*, as follows.

"Whereas doubts have arisen, whether, on the trial of
"an Indictment or Information for the making or publishing
"any libel, where an issue or issues are joined between the
"King and the defendant or defendants, on the plea of "*Not*
"*Guilty*" pleaded, it be competent to the Jury, impanel-
"led to try the same, to give their verdict upon the whole
"matter in issue :

"Be it therefore declared and enacted, by the King's
"Most Excellent Majesty, by and with the advice and
"consent of the Lords Spiritual and Temporal, and Com-
"mons, in this present Parliament assembled, and by the
"authority of the same, That, on every such trial, the
"jury sworn to try the issue, may give a general verdict of
"GUILTY or NOT GUILTY, upon the whole matter put in
"issue upon such Indictment or Information; and shall not
"be required, or directed, by the Court, or Judge, before
"whom such Indictment, or Information, shall be tried, to
find

“ find the defendant, or defendants, guilty, merely on the
“ proof of the publication by such defendant, or defendants,
“ of the paper charged to be a libel, and of the sense ascribed
“ to the same in such Indictment or Information: Provided
“ always, that on every such trial, the court, or judge, before
“ whom such Indictment, or Information, shall be tried,
“ shall, according to their, or his, discretion, give their, or
“ his, opinion and directions to the Jury, on the matter in
“ issue between the King and the defendant, or defendants,
“ in like manner as in other criminal cases: Provided also,
“ that nothing herein contained shall extend, to prevent
“ the Jury from finding a special verdict, in their discre-
“ tion, as in other criminal cases: Provided also, that, in
“ case the Jury shall find the defendant, or defendants,
“ guilty, it shall and may be lawful for the said defendant,
“ or defendants, to move in arrest of judgment, on such
“ ground, and in such manner, as, by law, he, or they,
“ might have done before the passing of this act; any thing
“ herein contained to the contrary notwithstanding.”

AREOPAGITICA:

A SPEECH FOR THE LIBERTY OF UNLICENSED
PRINTING,

TO THE PARLIAMENT OF ENGLAND.

Published in November, 1644,

BY JOHN MILTON, THE AUTHOR OF PARADISE LOST.

Τάλευθερον δ' ἐκεῖνο, εἰ τις θέλει πόλει
 Χρησόν τι βάλειν, εἰς μέσον φέρειν, ἔχων.
 Καὶ ταῦθ' ὁ χρήζων, λαμπρὸς ἔσθ': ὁ μὴ θέλων,
 Σιγᾷ: τί τῶτων ἐστὶν ἰσαίτερον πόλει;

Euripid. Hicetid.

This is true Liberty, when freeborn men,
 Having to advise the public, may speak free,
 Which he who can, and will, deserves high praise;
 Who neither can, nor will, may hold his peace;
 What can be juster in a state than this?

Euripid. Hicetid.

THEY, who to States and Governors of the common-wealth direct their speech, High Court of Parliament! or, wanting such access, in a private condition, write that which they foresee may advance the publick good; I suppose them, as at the beginning of no mean endeavour, not a little altered and moved inwardly in their minds; some with doubt of what will be the success, others with fear of what will be the censure; some with hope, others with confidence of what they have to speak. And me perhaps each of these dispositions, as the subject was whereon I entered, may have at other times variously affected; and likely might in these foremost expressions now also disclose which of them swayed most, but that the very attempt of this address thus made, and the thought of whom it hath recourse to, hath got the power within me to a passion, far

far more welcome than incidental to a preface. Which though I stay not to confess ere any ask, I shall be blameless, if it be no other, than the joy and gratulation which it brings to all who wish and promote their country's liberty; whereof this whole discourse proposed will be a certain testimony, if not a trophy. For this is not the liberty which we can hope, "that no grievance ever should arise in the commonwealth:" *That* let no man in this world expect. But, when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained, that wise men look-for. To which if I now manifest, by the very sound of this which I shall utter, that we are already in good part arrived; and yet from such a steep disadvantage of tyranny and superstition grounded into our principles, as was beyond the manhood of a Roman recovery; it will be attributed first, as is most due, to the strong assistance of God, our Deliverer; next, to your faithful guidance and undaunted wisdom, Lords and Commons of England! Neither is it in God's esteem, the diminution of his glory, when honourable things are spoken of good men, and worthy magistrates; which if I now first should begin to do, after so fair a progress of your laudable deeds, and such a long obligation upon the whole realm to your indefatigable virtues, I might be justly reckoned among the tardiest, and the unwillingest, of them that praise ye. Nevertheless there being three principal things, without which all praising is but courtship and flattery, first, when that only is praised which is solidly worth praise; next, when the greatest likelihoods are brought, that such things are truly and really in those persons, to whom they are ascribed; the other, when he who praises, by showing that such

his

his actual persuasion is of whom he writes, can demonstrate that he flatters not; the former two of these I have heretofore endeavoured, rescuing the employment from him who went-about to impair your merits with a trivial and malignant encomium; the latter, as belonging chiefly to mine own acquittal, "that whom I so extolled I did not flatter," hath been reserved opportunely to this occasion. For he who freely magnifies what hath been nobly done, and fears not to declare as freely what might be done better, gives ye the best covenant of his fidelity; and that his loyalest affection and his hope waits on your proceedings. His highest praising is not flattery, and his plainest advice is a kind of praising; for, though I should affirm and hold by argument, that it would fare better with truth, with learning, and the commonwealth, if one of your published orders, which I should name, were called-in; yet at the same time it could not but much redound to the lustre of your mild and equal government, whenas private persons are hereby animated to think ye better pleased with publick advice, than other statists have been delighted heretofore with publick flattery. And men will then see what difference there is between the magnanimity of a triennial parliament, and that jealous haughtiness of prelates and cabin-counsellors* that usurped of late, when as they shall observe ye, in the midst of your victories and successes, more gently brooking written exceptions against a voted order, than other courts, which had produced nothing worth memory but the weak ostentation of wealth, would have endured the least signified dislike at any sudden proclamation. If I should thus far presume upon the meek demeanor of

* That is, chamber-counsellors, or counsellors who are assembled by the king in a private chamber, as it were in the cabin of a ship, to give him advice in matters of state.

your

your civil and gentle greatnefs, Lords and Commons ! as what your published order hath directly faid, *that* to gainfay, I might defend myfelf with eafe, if any fhould accufe me of being new or infolent, did they but know how much better I find ye efteem it to imitate the old and elegant humanity of Greece, than the barbaric pride of a Hunnifh and Norwegian ftatelinefs. And out of thofe ages, to whose polite wifdom and letters we owe that we are not yet Goths and Jutlanders, I could name him who from his private houfe wrote that difcourfe to the parliament of Athens, that perfuades them to change the form of democracy which was then eftablifhed. Such honour was done in thofe days to men who profefled the ftudy of wifdom and eloquence, not only in their own country, but in other lands, that cities and figniories heard them gladly, and with great refpect, if they had aught in publick to admonifh the ftate. Thus did Dion Prufæus, a ft ranger and a private orator, counfel the Rhodians againft a former Edict ; and I abound with other like examples, which to fet here would be fuperfluous. But, if from the induftry of a life wholly dedicated to ftudious labours, and thofe natural endowments haply not the worft for two and fifty degrees of northern latitude, fo much muft be derogated, as to count me not equal to any of thofe who had this privilege, I would obtain to be thought not fo inferior, as yourfelves are fuperior to the moft of them who received their counfel ; and how far you excel them, be affured, Lords and Commons ! there can no greater testimony appear, than when your prudent fpirit acknowledges and obeys the voice of reafon, from what quarter foever it be heard fpeaking ; and renders ye as willing to repeal any act of your own fetting-forth as any fet-forth by your predeceffors.

If

If ye be thus resolved, (as it were injury to think ye were not,) I know not what should withhold me from presenting ye with a fit instance wherein to show both that love of truth which ye eminently profess, and that uprightness of your judgment which is not wont to be partial to yourselves; by judging over-again that order which ye have ordained "to regulate printing; that no book, pamphlet, or paper, shall be henceforth printed, unless the same be first approved and licensed by such, or at least one of such, as shall be thereto appointed."

The ordinance of Parliament against printing unlicensed books.

For that part which preserves justly every man's copy to himself, or provides for the poor, I touch not; only with they be not made pretences to abuse and persecute honest and painful men, who offend not in either of these particulars. But that other clause of licensing books, which we thought had died with his brother quadragesimal and matrimonial when the prelates expired, I shall now attend with such a homily, as shall lay before ye, first the inventors of it, to be those whom ye will be loth to own; next, what is to be thought in general of reading, whatever sort the books be; and that this order avails nothing to the suppressing of scandalous, seditious, and libellous books, which were mainly intended to be suppressed. Last, that it will be primely to the discouragement of all learning, and the stop of truth, not only by disexercising and blunting our abilities, in what we know already, but by hindering and cropping the discovery that might be yet further made, both in religious and civil wisdom.

The plan and order of this discourse.

I deny not but that it is of greatest concernment in the church and commonwealth, to have a vigilant eye how books demean themselves as well as men; and thereafter to confine, imprison, and do sharpest justice on them as malefactors; for books are not absolutely

The great influence of books on all publick affairs.

'The ill consequences of suppressing good ones.

dead things, but do contain a potency of life in them to be as active as that soul was whose progeny they are: nay, they do preserve, as in a vial, the purest efficacy and extraction of that living intellect that bred them. I know they are as lively,* and as vigorously productive, as those fabulous dragon's teeth; and, being sown up and down, may chance to spring-up armed men. And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a good book: who kills a man kills a reasonable creature, God's image; but he who destroys a good book, kills reason itself, kills the image of God, as it were, in the eye. Many a man lives a burden to the earth; but a good book is the precious life-blood of a master spirit, embalmed and treasured-up on purpose to a life beyond life. It is true, no age can restore a life, whereof perhaps there is no great loss; and revolutions of ages do not oft recover the loss of a rejected truth, for the want of which whole nations fare the worse. We should be wary therefore what persecution we raise against the living labours of publick men, how we spill that seasoned life of man, preserved and stored-up in books; since we see a kind of homicide may be thus committed, sometimes a martyrdom; and, if it extend to the whole impression, a kind of massacre, whereof the execution ends not in the slaying of an elemental life, but strikes at the æthereal and fifth essence, the breath of reason itself; slays an immortality rather than a life.

A view of the methods taken by ancient commonwealths, to restrain the publication of pernicious books.

But, lest I should be condemned of introducing licence, while I oppose licensing, I refuse not the pains to be so much historical, as will serve to show what hath been done by ancient and famous commonwealths, against this disorder, till the very time that this project of licensing crept-out of the Inquisition, was caught-up by our Prelates, and hath caught some of our Presbyters.

In

In Athens, where books and wits were In Athens.

ever busier than in any other part of Greece, I find but only two sorts of writings which the magistrate cared to take notice of; those either blasphemous and atheistical, or libellous. Thus the books of Protagoras were by the judges of Areopagus commanded to be burnt, and himself banished the territory, for a discourse, begun with his confessing not to know, "whether there were gods, or whether not." And against defaming, it was agreed that none should be traduced by name, as was the manner of *Vetus Comædia*, whereby we may guess how they censured libelling; and this course was quick enough, as Cicero writes, to quell both the desperate wits of other atheists, and the open way of defaming, as the event shewed. Of other sects and opinions, though tending to voluptuousness, and the denying of Divine providence, they took no heed. Therefore we do not read that either Epicurus, or that libertine school of Cyrene, or what the Cynic impudence uttered, was ever questioned by the laws. Neither is it recorded, that the writings of those old comedians were suppressed, though the acting of them were forbid; and that Plato commended the reading of Aristophanes, the loosest of them all, to his royal scholar Dionysius, is commonly known, and may be excused, if holy Chrysostom, as is reported, nightly studied so much the same author, and had the art to cleanse a scurrilous vehemence into the style of a rousing sermon.

That other leading city of Greece, Lacedæmon, con- In Lacedæmon.
sidering that Lycurgus, their lawgiver, was so addicted to elegant learning, as to have been the first that brought out of Ionia the scattered works of Homer, and sent the poet Thales from Crete to prepare and mollify the Spartan furliness with his smooth songs and odes, the better to plant among them law and civility; it is to be wondered how

useless and unbookish they were, minding nought but the feats of war. There needed no licensing of books among them; for they disliked all but their own laconic apothegms, and took a slight occasion to chafe Archilochus out of their city, perhaps for composing in a higher strain than their own soldiery ballads and roundels could reach to; or, if it were for his broad verses, they were not therein so cautious, but they were as dissolute in their promiscuous conversing; whence Euripides affirms in *Andromache*, that their women were all unchaste. Thus much may give us light after what sort of books were prohibited among the Greeks.

In Rome.

The Romans also, for many ages trained-up only to a military roughness, resembling most the Lacedæmonian guise, knew of learning little but what their twelve tables and the Pontific college, with their Augurs and Flamins, taught them in religion and law; so unacquainted with other learning, that when Carneades and Critolaus, with the Stoic Diogenes, coming Embassadors to Rome, took thereby occasion to give the city a taste of their Philosophy, they were suspected for seducers by no less a man than Cato the Censor, who moved it in the senate to dismiss them speedily, and to banish all such Attic babblers out of Italy. But Scipio and others of the noblest senators withstood him and his old Sabin austerities; honoured and admired the men; and the Censor himself at last, in his old age, fell to the study of that whereof before he was so scrupulous. And yet at the same time, Nævius and Plautus, the first Latin comedians, had filled the city with all the borrowed scenes of Menander and Philemon. Then began to be considered there also what was to be done to libellous books and authors: for Nævius was quickly cast into prison for his unbridled pen, and released by the tribunes upon his recantation. We read also that

that libels were burnt, and the makers punished by Augustus. The like severity, no doubt, was used, if aught were impiously written against their esteemed gods. Except in these two points, how the world went in books, the magistrate kept no reckoning. And therefore Lucretius, without impeachment, versifies his Epicurism to Memmius, and had the honour to be set forth the second time by Cicero, so great a father of the commonwealth; although himself disputes against that opinion in his own writings. Nor was the satirical sharpness, or naked plainness, of Lucilius, or Catullus, or Flaccus, by any order prohibited. And for matters of state, the story of Titus Livius, though it extolled that part which Pompey held, was not therefore suppressed by Octavius Caesar, of the other faction. But that Næso was by him banished in his old age, for the wanton poems of his youth, was but a mere covert of state over some secret cause; and besides, the books were neither banished nor called-in. From hence we shall meet with little else but tyranny in the Roman empire, that we may not marvel, if not so often bad as good books were silenced. I shall therefore deem to have been large enough, in producing what among the ancients was so punishable to write, save only which, all other arguments were free to treat on.

By this time the Emperors were become Christians, whose discipline in this point I do not find to have been more severe than what was formerly in practice. The books of those whom they took to be grand Heretics, were examined, refuted, and condemned in the General Councils; and not till then were prohibited, or burnt by authority of the Emperor. As for the writings of heathen authors, unless they were plain invectives against Christianity, as those of Porphyrius and

How far, and in what manner, the publication of dangerous books was restrained, under the Roman Emperors, after they were become Christians.

Proclus, they met with no interdict that can be cited, till about the year 400, in a Carthaginian Council, wherein bishops themselves were forbid to read the books of Gentiles, but Heresies they might read; while others, long before them, on the contrary scrupled more the books of Heretics, than of Gentiles. And that the primitive Councils and Bishops were wont only to declare what books were not commendable, passing no further, but leaving it to each one's conscience to read or to lay-by, till after the year 800, is observed already by Padre Paolo, the great unmasker of the Trentine Council. After which time the Popes of Rome, engrossing what they pleased of political rule into their own hands, extended their dominion over men's eyes, as they had before over their judgments, burning, and prohibiting to be read, what they fancied not; yet sparing in their censures, and the books not many which they so dealt with; till Martin the Fifth, by his bull not only prohibited, but was the first that excommunicated the readers of heretical books; for about that time Wickliffe and Husse, growing terrible, were they who first drove the Papal Court to a stricter policy of prohibiting. Which course Leo the Tenth and his successors followed; until the Council of Trent, and the Spanish Inquisition, engendering together, brought forth, or perfected, those catalogues and expurging Indexes, that rake through the entrails of many an old good author, with a violation worse than any could be offered to his tomb. Nor did they stay in matters heretical; but any subject, that was not to their palate, they either condemned in a prohibition, or had it straight into the new Purgatory of an Index. To fill up the measure of encroachment, their last invention was to ordain that no book, pamphlet, or paper, should

The Popes
began to
prohibit the
reading of
books that
they dis-
liked, about
the year
800.

At last,
about the
time of the
Council of

should be printed, (as if St. Peter had bequeathed them the keys of the preſs alſo as well as of Paradife) unleſs it were approved and liſenſed under the hands of two or three gluttonous friars. For example :

Trent, they ordained that no new book ſhould be printed till it had been approved by a liſenſer.

Let the chancellor Cini be pleaſed to ſee if in this preſent work be contained aught that may withſtand the printing ;

Vincent Rabbata, Vicar of Florence.

I have ſeen this preſent work, and find nothing athwart the catholic faith and good manners ; in witneſs whereof I have given, &c.

Nicolo Cini, Chancellor of Florence.

Attending the precedent relation, it is allowed that this preſent work of Davanzati may be printed.

Vincent Rabatta, &c.

It may be printed, July 15.

Friar Simon Mompei d'Amelia, Chancellor of the Holy Office in Florence.

Sure they have a conceit, if he of the bottomleſs pit had not long ſince broke priſon, that the quadruple exorcism would bar him down. I fear their next deſign will be to get into their cuſtody the liſenſing of that which they ſay Claudius intended*, but went not through with. Vouchſafe to ſee another of their forms, the Roman ſtamp ;

Imprimatur, If it ſeem good to the Reverend Maſter of the Holy Palace. Belcaſtro, Vicegerent.

Imprimatur, Friar Nicholo Rodolphi, Maſter of the Holy Palace.

* Quo veniam daret flatum crepitumque ventris in convivio emittendi. Suetonius, in Claudio.

The Bi-
shops, in
imitation of
the Popes,
introduced
this custom
of Licensing
into Eng-
land.

Sometimes five Imprimaturs are seen together dialogue-wise in the piazza of one titlepage, complimenting and ducking each to other with their shaven reverences, whether the author, who stands-by in perplexity at the foot of his epistle, shall to the prefs or to the sponge. These are the pretty responsories,—these are the dear antiphonies,—that so bewitched of late our Prelates and their chaplains, with the goodly echo they made; and besotted us to the gay imitation of a lordly *Imprimatur*, one from Lambeth-house, another from the West end of Paul's; so apishly romanizing, that the word of command still was set-down in Latin; as if the learned grammatical pen that wrote it would cast no ink without Latin; or perhaps, as they thought, because no vulgar tongue was worthy to express the pure conceit of an *Imprimatur*; but rather, as I hope, for that our English, the language of men ever famous and foremost in the achievements of liberty, will not easily find servile letters enow to spell such a dictatory presumption Englished. And thus ye have the inventors, and the original, of book-licensing ripped-up, and drawn as lineally as any pedigree. We have it not, that can be heard-of, from any ancient State, or Polity, or Church, nor by any Statute left us by our ancestors, elder or later; nor from the modern custom of any reformed City, or Church, abroad; but from the most antichristian Council, and the most tyrannous Inquisition, that ever enquired. Till then books were ever as freely admitted into the world as any other birth; the issue of the brain was no more stifled than the issue of the womb; no envious Juno sat cross-legged over the nativity of any man's intellectual offspring; but, if it proved a monster, who denies but that it was justly burnt, or sunk into the sea? But that a book, in worse condition

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dition than a peccant soul, should be to stand before a jury ere it be born to the world, and undergo yet in darkness the judgment of Radamanth and his colleagues, ere it can pass the ferry backward into light, was never heard before, till that mysterious iniquity, provoked and troubled at the first entrance of Information, fought-out new Limboes and new Hells wherein they might include our books also within the number of their damned. And this was the rare morsel so officiously snatched-up, and so ill-favouredly imitated by our Inquisiturient Bishops, and the attendant Minorites, their chaplains. That ye like not now these most certain authors of this *licensing* order, and that all sinister intention was far distant from your thoughts, when ye were importuned the passing it, all men who know the Integrity of your actions, and how ye honour truth, will clear ye readily.

But some will say, "what though the inventors were bad? the thing for all that may be good." It may so; yet, if that thing be no such deep invention, but obvious and easy for any man to light-on, and yet the best and wisest commonwealths through all ages and occasions have forborn to use it, and falsest seducers and oppressors of men were the first who took it up, and to no other purpose but to obstruct and hinder the first approach of reformation; I am of those who believe, it will be a harder alchymy than Lullius ever knew, to sublimate any good use out of such an Invention. Yet this only is what I request to gain from this reason, "that it may be held a dangerous and suspicious fruit, (as certainly it deserves, for the tree that bore it,) until I can dissect, one by one, the properties it has." But I have first to finish, as was propounded, what is to be thought in general of reading books, whatever sort they

Of the effect of reading all sorts of books, and whether it does most good or harm.

they be, and whether be more the benefit or the harm that thence proceeds.

Not to insist upon the examples of Moses, Daniel, and Paul, who were skilful in all the learning of the Egyptians, Chaldeans, and Greeks, which could not probably be without reading their books of all sorts, in Paul especially, who thought it no defilement to insert into holy scripture the sentences of three Greek poets, and one of them a tragedian. The question was notwithstanding sometimes controverted among the primitive doctors; but with great odds on that side which affirmed it both lawful and profitable; as was then evidently perceived, when Julian, the Apostate, and subtlest enemy to our faith, made a decree forbidding Christians the study of heathen learning; "for, said he, they wound us with our own weapons, and with our own arts and sciences they overcome us." And indeed the Christians were put so to their shifts by this crafty means, and so much in danger to decline into all ignorance, that the two Apollinarii were fain, as a man may say, to coin all the seven liberal sciences out of the Bible, reducing it into divers forms of orations, poems, dialogues, even to the calculating of a new christian grammar. But, saith the historian Socrates, the Providence of God provided better than the industry of Apollinarius and his son, by taking-away that illiterate law with the life of him who devised it. So great an injury they then held it to be deprived of Hellenic learning; and thought it a persecution more undermining, and secretly decaying the church, than the open cruelty of Decius or Dioclesian. And perhaps it was with the same politic drift that the devil whipped St. Jerom in a lenten dream, for reading Cicero; or else it was a phantasm, bred by the fever which had then seized him.

N. B.

him. For had an angel been his discipliner, unless it were for dwelling too much on Ciceronianisms, and had chastised the reading, not the vanity, it had been plainly partial ; first to correct him for grave Cicero, and not for scurril Plautus, whom he confesses to have been reading not long before ; next to correct *him* only, and let so many more ancient fathers wax old in those pleasant and florid studies without the lash of such a tutoring apparition ; inasmuch that Basil teaches how some good use may be made of *Margites*, a sportful poem, not now extant, writ by Homer ; and why not then of *Morgante*, an Italian romance much to the same purpose ? But, if it be agreed we shall be tried by visions, there is a vision recorded by Eusebius, far ancienter than this tale of Jerom, to the nun Eustochium, and besides, has nothing of a fever in it. Dionysius Alexandrinus was, about the year 240, a person of great name in the church, for piety and learning, who had wont to avail himself much against heretics, by being conversant in their books ; until a certain presbyter laid it scrupulously to his conscience, how he durst venture himself among those defiling volumes. The worthy man, loth to give offence, fell into a new debate with himself what was to be thought ; when suddenly a vision sent from God, (it is his own epistle that avers it,) confirmed him in these words : “ Read any books whatever, that come to thy hands ; for thou art sufficient both to judge aright, and to examine each matter.” To this revelation he assented the sooner, as he confesses, because it was answerable to that of the Apostle to the Thessalonians ; “ Prove all things, hold fast that which is good.” And he might have added another remarkable saying of the same author : “ To the pure, all things are pure ;” not only meats and drinks,

drinks, but all kind of knowledge, whether of good or evil; the knowledge cannot defile, nor consequently the books, if the will and conscience be not defiled. For books are as meats and viands are; some of good, some of evil substance; and yet God in that unapocryphal vision said without exception, "Rise, Peter; kill and eat;" leaving the choice to each man's discretion. Wholesome meats to a vitiated stomach differ little or nothing from unwholesome; and best books to a naughty mind are not unapplicable to occasions of evil. Bad meats will scarce breed good nourishment in the healthiest concoction; but herein the difference is of bad books, that they to a discreet and judicious reader serve in many respects to discover, to confute, to forewarn, and to illustrate. Whereof what better witnesses can ye expect I should produce, than one of your own body, now sitting in parliament, the chief of learned men reputed in this land, Mr. Selden; whose volume of natural and national laws proves, not only by great authorities brought-together, but by exquisite reasons and theorems almost mathematically demonstrative, that all opinions, yea errors, known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest. I conceive, therefore, that, when God did enlarge the universal diet of man's body (saving ever the rules of temperance,) he then also, as before, left arbitrary the dieting and repasting of our minds, as wherein every mature man might have to exercise his own leading capacity. How great a virtue is temperance, how much of moment through the whole life of man! Yet God commits the managing so great a trust without particular law or prescription, wholly to the demeanour of every grown man. And therefore, when he himself tabled the Jews from Heaven, that omer, which

The liberty of chusing what books to read, as well as that of chusing what meats to feed-on, ought to be left to every man's own discretion.

which was every man's daily portion of manna, is computed to have been more than might have well sufficed the heartiest feeder thrice as many meals. For those actions which enter into a man, rather than issue out of him, and therefore defile not, God uses not to captivate under a perpetual childhood of prescription, but trusts him with the gift of reason to be his own chooser. There were but little work left for preaching, if Law and Compulsion should grow so fast upon those things which heretofore were governed only by Exhortation. Solomon informs us, that "much reading is a weariness to the flesh:" but neither he, nor any other inspired author, tells us that such, or such, reading is unlawful. Yet certainly, had God thought good to limit us herein, it had been much more expedient to have told us what was unlawful, than what was wearisome. As for the burning of those Ephesian books by St. Paul's converts; it is replied, the books were magic, the Syriac so renders them. It was a private act, a voluntary act, and leaves us to a voluntary imitation: the men in remorse burnt those books which were their own; the magistrate by this example is not appointed: these men practised the books; another might perhaps have read them in some sort usefully. Good and Evil, we know, in the field of this world grow-up together almost inseparably; and the knowledge of good is so involved and interwoven with the knowledge of evil, and in so many cunning resemblances hardly to be discerned, that those confused seeds which were imposed upon Psyche as an incessant labour to cull-out, and sort-asunder, were not more intermixed. It was from out the rind of one apple tasted, that the knowledge of Good and Evil, as two twins cleaving-together, leaped-forth into the world. And, perhaps, this is that doom, which Adam fell-into,

of

of knowing good and evil, that is to say, of knowing Good by Evil. As therefore the state of man now is; what wisdom can there be to choose, what continence to forbear, without the knowledge of evil? He that can apprehend and consider vice with all her baits and seeming pleasures, and yet abstain, and yet distinguish, and yet prefer, that which is truly better, he is the true warfaring Christian. I cannot praise a fugitive and cloistered virtue, unexercised and unbreathed; that never sallies out and sees her adversary, but flinks out of the race, where that immortal garland is to be run-for, not without dust and heat. Assuredly we bring not innocence into the world; we bring impurity much rather: that which purifies us is Trial; and Trial is by what is contrary. That virtue therefore which is but a youngling in the contemplation of evil, and knows not the utmost that vice promises to her followers, and rejects it, is but a blank virtue, not a pure; her whiteness is but an excremental whiteness; which was the reason why our sage and serious poet Spenser, (whom I dare be known to think a better teacher than Scotus or Aquinas,) describing true Temperance under the person of Guion, brings him in with his palmer through the cave of Mammon, and the power of earthly bliss; that he might see and know, and yet abstain. Since therefore the knowledge and survey of vice is in this world so necessary to the constituting of human virtue; and the scanning of error to the confirmation of truth; how can we more safely, and with less danger, scout into the regions of sin and falsity, than by reading all manner of tractates, and hearing all manner of reason? And this is the benefit which may be had of books promiscuously read.

But of the harm that may result hence, three kinds are usually reckoned. First, is feared the infection

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fection that may spread. But then, all human learning and controversy in religious points must remove out of the world ; yea, the Bible itself : for that oftentimes relates blasphemy not nicely ; it describes the carnal sense of wicked men not unelegantly ; it brings-in holiest men passionately murmuring against Providence through all the arguments of Epicurus : in other great disputes it answers dubiously and darkly to the common reader ; and ask a Talmudist what ails the modesty of his marginal Keri, that Moses and all the prophets cannot persuade him to pronounce the textual Chetiv. For these causes we all know the Bible itself is put by the papist into the first rank of prohibited books. The ancientest fathers must be next removed, as Clement of Alexandria, and that Eusebian book of Evangelic Preparation, transmitting our ears through a hoard of heathenish obscenities, to receive the gospel. Who finds not that Irenæus, Epiphanius, Jerom, and others, discover more heresies than they well confute, and take that oft for heresy which is the truer opinion ? Nor boots it to say for these, and all the heathen writers of greatest infection (if it must be thought so,) with whom is bound-up the life of human learning, that they writ in an unknown tongue, so long as we are sure those languages are known as well to the worst of men, who are both most able, and most diligent, to instil the poison they suck, first, into the courts of princes, acquainting them with the choicest delights, and criticisms of sin. As perhaps did that Petronius, whom Nero called his *arbiter*, the master of his revels ; and that notorious ribald of Arezzo, dreaded and yet dear to the Italian courtiers. I name not him for posterity's sake, whom Henry the Eighth named in merriment his *vicar of Hell*. By which compendious way all the contagion

contagion that foreign books can infuse will find a passage to the people far easier and shorter than an Indian voyage, (though it could be sailed either by the north of Catalo eastward, or of Canada westward,) while our Spanish Licencing gags the English press never so severely. But on the other side, that infection which is from books of controversy in religion, is more doubtful and dangerous to the learned, than to the ignorant; and yet those books must be permitted untouched by the Licenser. It will be hard to instance where any ignorant man hath been ever seduced by any papistical book in English, unless it were commended and expounded to him by some of that clergy; and indeed all such tractates, whether false or true, are as the prophecy of Isaiah was to the Eunuch, not to be "understood without a guide." But of our priests and doctors how many have been corrupted by studying the comments of Jesuits and Sorbonists, and how fast they could transfuse that corruption into the people, our experience is both late and sad. It is not forgot, since the acute and distinct Arminius was perverted merely by the perusing of a nameless discourse written at Delft, which at first he took in hand to confute. Seeing therefore that those books, and those in great abundance which are likeliest to taint both life and doctrine, cannot be suppressed without the fall of learning, and of all ability in disputation, and that these books of either sort are most and soonest catching to the learned, (from whom to the common people whatever is heretical or dissolute may quickly be conveyed,) and that evil manners are as perfectly learnt without books in a thousand other ways which cannot be stopped, and evil doctrine not with books can propagate, except a teacher guide, which he might also do without writing, and so beyond prohibiting;

ing; I am not able to unfold, how this cautious enterprize of Licensing can be exempted from the number of vain and impossible attempts. And he who were pleasantly disposed, could not well avoid to liken it to the exploit of that gallant man, who thought to pound-up the crows by shutting his park-gate. Besides another inconvenience, if learned men be the first receivers out of books, and dispreaders both of vice and error, how shall the Licensers themselves be confided in, unless we can confer upon them, or they assume to themselves, above all others in the land, the grace of infallibility and uncorruptedness? And again, if it be true, that a wise man, like a good refiner, can gather gold out of the drossiest volume, and that a fool will be a fool with the best book, yea, or without any book; there is no reason that we should deprive a wise man of any advantage to his wisdom, while we seek to restrain from a fool that which, being restrained, will be no hinderance to his folly. For, if there should be so much exactness always used to keep that from him which is unfit for his reading, we should, in the judgment, not only of Aristotle, but of Solomon, and of our Saviour, not vouchsafe him good precepts, and by consequence not willingly admit him to good books; as being certain that a wise man will make a better use of an idle pamphlet, than a fool will do of sacred scripture.

It is next alledged, that we must not expose our selves to temptations without necessity; and next to that, not employ our time in vain things. To both these objections one answer will serve, out of the grounds already laid, "that to all men such books are not temptations, nor vanities: but [to many are] useful drugs and materials wherewith to temper and compose effective and strong medicines, which man's life cannot want." The rest,

as children and childish men, who have not the art to qualify and prepare these working minerals, well may be *exorted* to forbear; but *hindered forcibly* they cannot be, by all the Licencing that faintest Inquisition could ever yet contrive: which is what I promised to deliver next: that this order of Licencing conduces nothing to the end for which it was framed; and hath almost prevented me, by being clear already, while thus much hath been explaining.

See the ingenuity of Truth! who, when she gets a free and willing hand, opens herself faster than the pace of Method and Discourse can overtake her. It was the task which I began with, to show that no Nation or well-instituted State, if they valued books at all, did ever use this way of Licencing; and it might be answered, "that this is a piece of Prudence lately discovered." To which I return, that, as it was a thing slight and obvious to think-on, so, if it had been difficult to find-out, there wanted not among them long since, who suggested such a course; which they not following, leave us a pattern of their judgment, that it was not "the not knowing," but "the not approving," which was the cause of their not using it. Plato, (a man of high authority indeed, but least of all for his *Commonwealth*;) in the book of his Laws, (which no City ever yet received,) fed his fancy with making many Edicts to his airy burgomasters, which they who otherwise admire him, with had' been rather buried and excused in the genial cups of an academic night-sitting. By which laws he seems to tolerate no kind of Learning, but, by unalterable decree, consisting most of practical traditions, to the attainment whereof a library of smaller bulk than his own Dialogues would be abundant. And there also enacts, that no poet should so much as read to any private man what he had written,

until

An examination of what Plato says upon this subject in his book *De Republica*.

until the Judges and Law-keepers had seen it, and allowed it. But that Plato meant this law peculiarly to that Commonwealth which he had imagined, and to no other, is evident. Why was he not else a lawgiver to himself, but a transgressor, and to be expelled by his own magistrates, both for the wanton epigrams and dialogues which he made, and his perpetual reading of Sophron, Mimus, and Aristophanes, books of grossest infamy; and also for commending the latter of them, (though he were the malicious libeller of his chief friends,) to be read by the tyrant Dionysius, who had little need of such trash to spend his time on? But that he knew this Licensing of poems had reference and dependance to many other provisos, there set-down in his fancied Republic, which in this world could have no place; and so neither he himself, nor any Magistrate, or City, ever imitated that course, which, taken apart from those other collateral injunctions, must needs be vain and fruitless. For, if they fell upon one kind of strictness, unless their care were equal to regulate all other things of like aptness to corrupt the mind, that single endeavour, they knew, would be but a fond labour; to shut and fortify one gate against corruption, and be necessitated to leave others round-about wide-open. If we think to regulate printing, thereby to rectify manners, we must regulate all recreations and pastimes, all that is delightful to man. No music must be heard, no song be set, or sung, but what is grave and Doric. There must be Licensing dancers, that no gesture, motion, or deportment, be taught our youth, but what, by their allowance, shall be thought honest; for such Plato was provided-of. It will ask more than the work of twenty Licensors to examine all the lutes, the violins, and guitars in every house; they must not be

suffered to prattle as they do, but must be Licensed what they may say. And who shall silence all the airs and madrigals that whisper softness in chambers? The windows also, and the balconies, must be thought-on; there are shrewd books, with dangerous frontispieces, set to sale; who shall prohibit them? shall twenty Licencers? The villages also must have their visitors to inquire what lectures the bagpipe, and the rebec, reads, even to the ballatry and the gamut of every municipal fidler; for these are the countryman's Arcadias, and his Monte Mayors. Next, what more national corruption, for which England hears-ill abroad, than household-gluttony? who shall be the rectors of our daily rioting? and what shall be done to inhibit the multitudes, that frequent those houses where drunkenness is sold and harboured? Our garments also should be referred to the Licensing of some more sober workmasters, to see them cut into a less wanton garb. Who shall regulate all the mixed conversation of our youth, male and female together, as is the fashion of this country? Who shall still appoint what shall be discoursed, what presumed, and no further? Lastly, who shall forbid and separate all idle resort, all evil company? These things will be, and must be. But how they shall be least hurtful, how least enticing, herein consists the grave and governing wisdom of a State. To sequester out of the world into Atlantic and Eutopian politics, which never can be drawn into use, will not mend our condition; but to ordain wisely, as in this world of evil, in the midst whereof God hath placed us unavoidably. Nor is it Plato's Licensing of books will do this, which necessarily pulls along with it so many other kinds of Licensing, as will make us all both ridiculous and weary, and yet frustrate; but those

unwritten,

unwritten, or, at least, unconstraining, laws of virtuous education, religious and civil nurture, which Plato there mentions, as the bonds and ligaments of the Commonwealth, the pillars and the sustainers of every written statute; these they be, which will bear chief sway in such matters as these, when all Licensing will be easily eluded. Impunity and remissness, for certain, are the bane of a Commonwealth: But here the great Art lies, "to discern in what the law is to bid restraint and punishment, and in what things persuasion only is to work." If every action which is good or evil in man at ripe years, were to be under pittance, prescription, and compulsion, what were Virtue but a name? what praise could be then due to well-doing? what gramer-cy to be sober, just, or continent? Many there be that complain of Divine Providence for suffering Adam to transgress. Foolish tongues! when God gave him reason, he gave him freedom to choose; for reason is but choosing; he had been else a mere artificial Adam, such an Adam as he is in the motions*. We ourselves esteem not of that obedience, or love, or gift, which is of force. God therefore left him free, and set before him a provoking object, ever almost in his eyes: herein consisted his merit, herein the right of his reward, the praise of his abstinence. Wherefore did he create passions within us, pleasures round about us, but that these, rightly tempered, are the very ingredients of Virtue? They are not skilful considerers of human things, who imagine to remove sin, by removing the matter of sin; for, (besides that it is a huge heap, increasing under the very act of diminishing,) though some part of it may, for a time, be withdrawn from some persons, it cannot from all, in such a universal thing as books are; and, when this is done, yet the sin remains

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* That is, in puppet shews.

entire. Though ye take from a covetous man all his treasure, he has yet one jewel left; ye cannot bereave him of his covetousness. Banish all objects of lust; shut-up all youth into the severest discipline that can be exercised in any hermitage; ye cannot make them chaste, that came not thither so: such great care and wisdom is required to the right managing of this point. Suppose we could expel sin by this means; look, how much we thus expel of sin, so much we expel of virtue; for the matter of them both is the same: remove that, and ye remove them both alike. This justifies the high Providence of God; who, though he commands us temperance, justice, continence; yet pours-out before us, even to a profuseness, all desirable things, and gives us minds that can wander beyond all limit and satiety. Why should we then affect a rigour contrary to the manner of God and of nature, by abridging, or scanting, those means, which books, freely permitted, are, both to the trial of virtue, and the exercise of truth? It would be better done, to learn that the law must needs be frivolous, which goes to restrain things, uncertainly, and yet equally, working to Good and to Evil. And, were I the choofer, a dram of well-doing should be preferred * before many times as much the forcible hinderance of evil-doing. For God, sure, esteems the growth and compleating of one virtuous person, more than the restraint of ten vicious. And, albeit whatever we hear or see, sitting, walking, travelling, or conversing, may be fitly called *our book*, and is of the same effect that writings are; yet, grant the thing to be prohibited were only books, it appears that this Order hitherto is far insufficient to the end which it intends.

The Ordinance against printing books without a License, is not sufficient to pre-

* This sentiment agrees with that which is expressed by Horace in the two following verses:

Oderunt peccare Boni virtutis amore;
Tu nihil admittes in te formidine pœnæ.

Do

Do we not see, not once or oftener, but weekly, that continued Court-libel against the Parliament and City, printed, (as the wet sheets can witness,) and dispersed among us, for all that Licensing can do? Yet this is the prime service, a man would think, wherein this Order should give proof of itself. "If it were executed,"

vent the printing of seditious books, though that was the principal reason for making it.

you will say. But certain, if execution be remis, or blindfold, now, and in this particular, what will it be hereafter, and in other books? If then the order shall not be vain and frustrate, behold a new labour, Lords and Commons! ye must repeal and proscribe all scandalous and unlicensed books already printed and divulged: after ye have drawn them up into a list, that all may know which are condemned, and which not; and [ye must] ordain that no foreign books be deliverd out of custody, till they have been read-over. This office will require the whole time of not a few overseers, and those no vulgar men. There be also books which are partly useful and excellent, partly culpable and pernicious; this work will ask as many more Officials, to make expurgations and expunctions, that the commonwealth of learning be not damnified. In fine, when the multitude of books increaseth upon their hands, ye must be fain to catalogue all those printers who are found frequently offending, and forbid the importation of their whole suspected typography. In a word, that this your Order may be exact, and not deficient, ye must reform it perfectly according to the model of Trent and Sevil; which, I know, ye abhor to do. Yet, though ye should condescend to this, (which God forbid!) the Order still would be but fruitless and defective to that end whereto ye meant it. If to prevent sects and schisms, who is so unread, or uncatechised, in story that hath not heard of many sects refusing books as a hindrance, and preserving their doctrine unmixed, for

To make it effectual, it must be formed compleatly upon the model of the Licensing ordinances of the Inquisition.

These restraints upon the liberty of the press will neither prevent the growth of Sects and

many

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ment of the
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the people.

many ages, only by unwritten traditions? The christian faith, (for that was once a Schism!) is not unknown to have spread all over Asia, ere any Gospel or Epistle was seen in writing. If the amendment of manners be aimed-at, look into Italy and Spain, whether those places be one scruple the better, the honest, the wiser, the chaster, since all the Inquisitionall rigour that hath been executed upon books.

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Another reason, whereby to make it plain that this Order will miss the end it seeks, consider by the quality which ought to be in every Licenser. It cannot be denied, but that he who is made judge to sit upon the birth or death of books, whether they may be wasted into this world or not, had need to be a man, above the common measure, both studious, learned, and judicious: there may be else no mean mistakes in the censure of what is passable, or not; which is also no mean injury. If he be of such worth as behoves him, there cannot be a more tedious and unpleasing journeywork, a greater loss of time levied upon his head, than to be made the perpetual reader of unchosen books and pamphlets, oft-times huge volumes. There is no book that is acceptable, unless at certain seasons; but to be enjoined the reading of that at all times, and in a hand scarce legible, whereof three pages would not down at any time in the fairest print, is an imposition which I cannot believe how he that values time, and his own studies, or is but of a sensible nostril, should be able to endure. In this one thing I crave leave of the present Licensers to be pardoned for so thinking; who, doubtless, took this office up, looking on it through their obedience to the Parliament; whose command, perhaps, made all things seem easy and unlaborious to them. But that this short trial hath wearied them out already, their own expressions and excuses,

excuses, to them who make so many journeys to solicit their Licence, are testimony enough. Seeing therefore that those who now possess the employment, by all evident signs, wish themselves well rid of it, and that no man of worth, none that is not a plain unthrif of his own hours, is ever likely to succeed them, except he mean to put himself to the salary of a press-corrector; we may easily foresee what kind of Licensers we are to expect hereafter; either ignorant, imperious, and remiss, or basely pecuniary. This is what I had to show, wherein this Order cannot conduce to that end, whereof it bears the intention.

I lastly proceed from the *no good* it can do, to the *manifest hurt* it causes, in being, first, the greatest discouragement and affront that can be offered to Learning and to Learned men. It was the complaint and lamentation of Prelates, upon every the least breath of a motion to remove Pluralities, and distribute more equally the Church-revenues, "that then all Learning would be forever dashed and discouraged." But as for that opinion, I never found cause to think, that the tenth part of Learning stood, or fell, with the Clergy: nor could I ever but hold it for a sordid and unworthy speech of any Churchman, who had a competency left him. If therefore ye be loth to dishearten utterly and discourage, not the mercenary crew of false pretenders to learning, but the free and ingenuous sort of such as evidently were born to study and love Learning for itself, not for lucre, or any other end, but the service of God and of Truth, and perhaps that lasting Fame and perpetuity of praise, which God and good men have consented shall be the reward of those, whose published Labours advance the good of mankind: then know, that so far to distrust the judgment and the honesty of one who

hath

The Ordinance against printing books without a license, is a great discouragement to Learning and Learned men.

hath but a common repute in learning, and never yet offended, as not to count him fit to print his mind without a Tutor and Examiner, lest he should drop a schism, or something of corruption, is the greatest displeasure and indignity to a free and knowing spirit, that can be put upon him. What advantage is it to be a man, over it is to be a boy at school, if we have only escaped the ferula, to come under the fescue of an Imprimatur? If serious and elaborate writings, as if they were no more than the theme of a grammar-lad under his pedagogue, must not be uttered without the cursory eyes of a temporizing and extemporizing Licensor? He who is not trusted with his own actions, his drift not being known to be evil, and standing to the hazard of law and penalty, has no great argument to think himself reputed in the commonwealth wherein he was born, for other than a fool or a foreigner. When a man writes to the world, he summons-up all his reason and deliberation to assist him; he searches, meditates, is industrious, and likely consults and confers with his judicious friends; after all which done, he takes himself to be informed in what he writes, as well as any that writ before him; if in this, the most consummate act of his fidelity and ripeness, no years, no industry, no former proof of his abilities, can bring him to that state of maturity, as not to be still mistrusted and suspected, unless he carry all his considerate diligence, all his midnight watching, and expense of Palladian oil, to the hasty view of an unleisured Licensor, perhaps much his younger, perhaps far his inferior in judgment, perhaps one who never knew the labour of book-writing; and, if he be not repulsed, or slighted, must appear in print like a puny with his Guardian, and his Censor's hand on the back of his title,

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title, to be his bail and surety, that he is no ideot or seducer; it cannot be but a dishonour and derogation to the author, to the book, to the privilege and dignity of Learning. And what if the author shall be one so copious of fancy, as to have many things, well worth the adding, come into his mind after Licensing, while the book is yet under the press, (which not seldom happens to the best and diligentest writers;) and that perhaps a dozen times in one book? The printer dares not go beyond his Licensed copy; so often then must the author trudge to his Leave-giver, that those his new insertions may be viewed; and many a jaunt will be made, 'ere that Licenser, (for it must be the same man,) can either be found, or found at leisure. Mean while either the press must stand still, (which is no small damage,) or the author lose his accuratest thoughts, and send the book forth worse than he had made it; which to a diligent writer is the greatest melancholy and vexation that can befall. And how can a man teach with authority, which is the life of teaching; how can he be a doctor in his book (as he ought to be, or else had better be silent,) whenas all he teaches, all he delivers, is but under the tuition, under the correction of his patriarchal Licenser, to blot or alter what precisely accords not with the hide-bound humour which he calls his judgment? When every acute reader, upon the first sight of a pedantic Licence, will be ready, with these-like words, to ding the book a coil's distance from him, "I hate a pupil teacher, I endure not an instructor that comes to me under the wardship of an over-seeing fist. I know nothing of the Licenser, but that I have his own hand here for his arrogance; who shall warrant me his Judgement?" "The State, sir," replies the stationer: but has a quick return, "the State shall

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N. B. shall be my Governors, but not my Critics ; they may be mistaken in the choice of a Licenser, as easily as this Licenser may be mistaken in an author. This is some common stuff ;" and he might add from sir Francis Bacon, that "such authorized books are but the language of the times." For, though a Licenser should happen to be judicious more than ordinary, (which will be a great jeopardy of the next succession,) yet his very office, and his commission, enjoins him to let pass nothing but what is vulgarly received already. Nay, which is more lamentable, if the work of any deceased author, (though never so famous in his lifetime, and even to this day,) comes to their hands for Licence to be printed, or reprinted, if there be found in his book one sentence of a venturous edge, uttered in the height of zeal, (and who knows whether it might not be the dictate of a divine spirit ?) yet not suiting with every low, decrepit, humour of their own, (though it were Knox himself, the reformer of a kingdom, that spake it,) they will not pardon him their dash ; the sense of that great man shall to all posterity be lost, for the fearfulness, or the presumptuous rashness, of a perfunctory Licenser. And to what an author this violence hath been lately done, and in what book of greatest consequence to be faithfully published, I could now instance, but shall forbear till a more convenient season. Yet, if these things be not repented seriously and timely by them who have the remedy in their power, but that such iron-moulds as these shall have authority to gnaw-out the choicest periods of exquisite books, and to commit such a treacherous fraud against the orphan remainders of worthiest men after death, the more sorrow will belong to that hapless race of men, whose misfortune it is to have understanding. Hence-
forth

forth let no man care to learn, or care to be more than worldly-wise ; for, certainly, in higher matters to be ignorant and slothful, to be a common, steadfast, dunce, will be the only pleasant life, and only in request.

And, as it is a particular disesteem of every knowing person alive, and most injurious to the written labours and monuments of the dead, so to me it seems an undervaluing and vilifying of the whole Nation. I cannot set so light by all the Invention, the Art, the Wit, the grave and solid Judgment, which is in England, as that it can be comprehended in any twenty capacities, how good soever ; much less that it should not pass, except their superintendence be over it,—except it be sifted and strained with their strainers,—that it should be uncurrent without their manual stamp. Truth and Understanding are not such wares as to be monopolized and traded-in by tickets, and statutes, and standards. We must not think to make a staple commodity of all the Knowledge in the land, to mark and License it like our broad-cloth and our woolpacks. What is it but a servitude, like that imposed by the Philistines, not to be allowed the sharpening of our own axes and coulters, but we must repair from all quarters to twenty Licensing forges ? Had any one written and divulged erroneous things and scandalous to honest life, misusing and forfeiting the esteem had of his reason among men,—if, after conviction, this only censure were adjudged him, “ that he should never henceforth write, but what were first examined by an appointed officer, whose hand should be annexed to pass his credit for him, that now he might be safely read ; ” it could not be apprehended less than a disgraceful punishment. Whence, to include the whole Nation, and those that never yet thus offended, under such

a dissent

This restraint is an indignity offered to the whole people of England, by supposing them to be so ignorant, weak, and unsteady, as to be in danger of being led astray, by every new book that is published.

a diffident and suspicious prohibition, may plainly be understood what a disparagement it is. So much the more, whenas debtors and delinquents may walk-abroad without a keeper, but unoffensive books must not stir-forth without a visible jailor in their title. Nor is it to the common people less than a reproach; for, if we be so jealous over them as that we dare not trust them with an English pamphlet, what do we but censure them for a giddy, vicious, and ungrounded people; in such a sick and weak estate of faith and discretion, as to be able to take nothing down but through the pipe of a Licenser? That this is care, or love, of them, we cannot pretend; whenas in those Popish places, where the laity are most hated and despised, the same strictness is used over them. Wisdom we cannot call it; because it stops but one breach of licence; nor that neither: whenas those corruptions, which it seeks to prevent, break-in faster at other doors, which cannot be shut.

It is also a disgrace to the ministers by supposing them not to have so instructed their flocks as to make them proof against the influence of bad books.

And in conclusion, it reflects to the disrepute of our ministers also, of whose labours we should hope better, and of the proficiency which their flock reaps by them, than that, after all this Light of the Gospel which is, and is to be, and all this continual preaching, they should be still frequented with such an unprincipled, unedified, and la-ic, rabble, as that the whiff of every new pamphlet should stagger them out of their Catechism and Christian walking. This may have much reason to discourage the ministers, when such a low conceit is had of all their exhortations, and the benefiting of their hearers, as that they are not thought fit to be turned loose to three sheets of paper without a Licenser; that all the sermons, all the lectures, preached, printed, and vended, in such numbers, and such volumes, as have

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now well-nigh made all other books unsaleable, should not be armour enough against one single Enchiridion, without the castle of St. Angelo of an *Imprimatur*.

And, lest some should persuade ye, Lords and Commons, that these arguments of learned men's discouragement at this your Order are mere flourishes, and not real, I could recount what I have seen and heard in other countries, where this kind of Inquisition tyrannizes; when I have sat among their learned men, (for that honour I had,) and been counted happy to be born in such a place of Philosophic freedom, as they supposed England was, while themselves did nothing but bemoan the servile condition into which Learning amongst them was brought;—that this was it which had damped the glory of Italian wits;—that nothing had been there written now these many years but flattery and fustian. There it was that I found and visited the famous Galileo, grown-old, a prisoner to the Inquisition, for thinking in Astronomy otherwise than the Franciscan and Dominican Licensers thought. And, though I knew that England then was groaning loudest under the Prelatical yoke, nevertheless I took it as a pledge of future happiness, that other nations were so persuaded of her Liberty. Yet was it beyond my hope, that those worthies were then breathing in her air, who should be her leaders to such a deliverance, as shall never be forgotten by any revolution of time that this world hath to finish. When that was once begun, it was as little in my fear, that what words of complaint I heard among learned men of other parts uttered against the Inquisition, the same I should hear by as learned men at home uttered in the time of Parliament against an Order of Licensing; and that so generally, that, when I had

The learned men of Italy lamented the restraints upon the liberty of the press which they laboured under, and considered it as the cause of the low state of learning among them.

That the like complaint is now generally made

by the
learned
men of
England.

This restraint upon
printing is
a species of
tyranny similar to
that which
the people
suffered under the late
Bishops,

had disclosed myself a companion of their discontent, I might say, (if without envy,) that he whom an honest Quæstorship had endeared to the Sicilians, was not more by them importuned against Verres, than the favourable opinion which I had among many who honour ye, and are known and respected by ye, loaded me with entreaties and persuasions, that I would not despair to lay-together that which just reason should bring into my mind, toward the removal of an undeserved thralldom upon Learning. That this is not therefore the disburdening of a particular fancy, but the common grievance of all those who had prepared their minds and studies above the vulgar pitch, to advance truth in others, and from others to entertain it, thus much may satisfy. And, in their name, I shall, for neither friend nor foe, conceal what the general murmur is; that, if it come to Inquisitioning again, and Licensing, and that we are so timorous of ourselves, and suspicious of all men, as to fear each book, and the shaking of every leaf, before we know what the contents are; if some who, but of late, were little better than silenced from preaching, shall come now to silence us from reading, except what they please, it cannot be guessed what is intended by some but a second tyranny over Learning: and will soon put it out of controversy, that Bishops and Presbyters are the same to us, both name and thing. That those evils of Prelaty which before, from five or six and twenty fees, were distributively charged upon the whole people, will now light wholly upon Learning, is not obscure to us: whenas now the pastor of a small, unlearned, parish, on the sudden shall be exalted Archbishop over a large diocese of books, and yet not remove, but keep his other cure too, a mytical pluralist. He who but of

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late cried-down the sole ordination of every novice bachelor of art, and denied sole jurisdiction over the simplest parishioner, shall now, at home in his private chair, assume both these over worthiest and excellentest books, and ablest authors that write them. This is not, ye Covenants and Protestations that we have made! this is not to put-down Prelaty; this is but to chop an Episcopacy; this is but to translate the palace Metropolitan from one kind of dominion into another; this is but an old Canonical slight of commuting our penance. To startle thus betimes at a mere unlicensed pamphlet, will, after a while, be afraid of every Conventicle; and, a while after, will make a Conventicle of every Christian meeting. But I am certain, that a State governed by the rules of justice and fortitude, or a Church built and founded upon the rock of faith and true knowledge, cannot be so pusillanimous. While things are yet not constituted in religion, that freedom of writing should be restrained by a discipline imitated from the Prelates, and learned by them from the Inquisition, to shut us up all again into the breast of a Licenser, must needs give cause of doubt and discouragement to all learned and religious men: who cannot but discern the fineness of this politic drift, and who are the contrivers; that while Bishops were to be baited-down, then all presses might be open; it was the people's birthright and privilege in time of Parliament; it was the breaking-forth of Light. But now, the Bishops abrogated and voided out of the church, as if our reformation sought no more, but to make room for others [to enter] into their seats under another name; the Episcopal arts begin to bud again; the cruise of truth must run no more oil; liberty of printing must be enthralled again under a Prelatical commission of

It is owing to the pride and persecuting spirit of some of the Presbyterian Clergy.

twenty; the Privilege of the people nullified; and (which is worse,) the freedom of Learning must groan again, and to her old fetters: all this, the Parliament yet sitting. Although their own late arguments and defences against the Prelates might remember them, that this obstructing violence meets, for the most part, with an event utterly opposite to the end which it drives-at: instead of suppressing Sects and Schisms, it raises them, and invests them with a reputation: "the punishing of wits enhances their authority," saith the viscount St. Albans; "and a forbidden writing is thought to be a certain spark of truth, that flies-up in the faces of them who seek to tread it out." This Order therefore may prove a nursing-mother to Sects: but I shall easily show how it will be a step-dame to truth: and, first, by disabling us to the maintenance of what is known already.

The preventing the publication of new opinions is a hindrance to the knowledge of the truth, and of the grounds on which it is built.

A description of a luxurious rich man indolently

Well knows he who uses to consider, that our faith and knowledge thrives by exercise, as well as our limbs and complexion. Truth is compared in scripture to a streaming Fountain; if her waters flow not in a perpetual progression, they sicken into a muddy pool of conformity and tradition. A man may be a heretic in the truth; and if he believe things only because his pastor says so, or the assembly so determines, without knowing other reason, though his belief be true, yet the very truth he holds becomes his heresy. There is not any burden, that some would gladlier post-off to another, than the charge and care of their religion. There be,—who knows not that there be? of protestants and professors, who live and die in as errant an implicit faith, as any lay-papist of Loretto. A wealthy man, addicted to his pleasure and to his profits, finds religion to be a traffic so entangled, and

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of so many piddling accounts, that, of all mysteries, he cannot skill to keep a stock going upon that trade. What should he do? Fain he would have the name to be religious; fain he would bear-up with his neighbours in that. What does he, therefore, but resolves to give-over toiling, and to find himself out some factor, to whose care and credit he may commit the whole managing of his religious affairs; some divine of note and estimation that must be. To him he adheres, resigns the whole warehouse of his religion, with all the locks and keys, into his custody; and indeed makes the very person of that man his religion; esteems his associating with him a sufficient evidence and commendatory of his own piety. So that a man may say his religion is now no more within himself, but is become a dividual moveable, and goes and comes near him, according as that good man frequents the house. He entertains him, gives him his feasts him, lodges him; his religion comes home at night, prays, is liberally supped, and sumptuously laid to sleep; rises, is saluted, and after the malmsey, or some well-spiced bruage, and better breakfasted than he whose morning-appetite would have gladly fed on green figs between Bethany and Jerusalem; his religion walks-abroad at eight, and leaves his kind entertainer in the shop, trading all day without his religion.

Another sort there be, who, when they hear that all things shall be ordered, all things regulated and settled; nothing written but what passes through the custom-house of certain publicans, that have the tonaging and poundaging of all free-spoken truth; will straight give themselves up into your hands; make them and cut them out what religion ye please: there be

resigning himself in matters of religion to the direction of a clergyman.

A general outward conformity, arising from ignorance and indolence, and attended with an indifference in matters of

religion, will be the consequence of this restraint upon the liberty of the press, among the Laity;

recreations and jolly pastimes, that will fetch the day about from sun to sun, and rock the tedious year as in a delightful dream. What need they torture their heads with that which others have taken, so strictly, and so unalterably, into their own purveying? These are the fruits, which a dull ease and cessation of our knowledge will bring-forth among the people. How goodly, and how to be wished, were such an obedient unanimity as this? What a fine conformity would it starch us all into? Doubtless a staunch and solid piece of frame-work, as any January could freeze-together.

And the Clergy will grow ignorant of the true grounds of religion.

Nor much better will be the consequence even among the Clergy themselves. It is no new thing never heard-of before, for a parochial minister, who has his reward, and is at his Hercules Pillars in a warm benefice, to be easily inclinable, if he have nothing else that may rouse-up his studies, to finish his circuit in an English concordance and a topic Folio, the gatherings and savings of a sober graduateship, a Harmony and a Catena, treading the constant round of certain common doctrinal heads, attended with their uses, motives, marks and means; out of which, as out of an alphabet, or Sol Fa, by forming and transforming, joining and disjoining variously, a little book-craft, and two hours meditation, might furnish him unspeakably to the performance of more than a weekly charge of sermoning: not to reckon-up the infinite helps of interlinearies, breviaries, synopses, and other loitering gear. But, as for the multitude of sermons, ready-printed and piled-up, on every text that is not difficult, our London trading St. Thomas in his vestry, and add to boot St. Martin and St. Hugh, have not within their hallowed limits more vendible ware of all sorts ready-made;

made: so that penury he never need fear of pulpit-provision, having where so plenteously to refresh his magazine. But, if his rear and flanks be not impaled, if his back-door be not secured by the rigid Licenser, but that a bold book may now and then issue-forth, and give the assault to some of his old collections in the trenches, it will concern him then to keep waking, to stand in watch, to set good guards and sentinels about his received opinions, to walk the round and counter-round with his fellow-inspectors, fearing lest any of his flock be seduced, who also then would be better instructed, better exercised and disciplined. And God send that the fear of this diligence, which must then be used, do not make us affect the laziness of a Licensing church!

For, if we be sure we are in the right, and do not hold the truth guiltily, which becomes not;—if we ourselves condemn not our own weak and frivolous teaching, and the people for an untaught and irreligious, gadding, rout; what can be more fair, than, when a man judicious, learned, and of a conscience, for aught we know, as good as theirs that taught us what we know, shall, not privily from house to house, (which is more dangerous,) but openly by writing publish to the world what his opinion is, what his reasons, and wherefore that which is now thought cannot be sound? Christ urged it, as wherewith to justify himself, “that he preached in public;” yet writing is more public than preaching; and more easy to refutation, if need be, there being so many whose business and profession merely it is to be the champions of truth; which if they neglect, what can be imputed but their sloth or inability?

Thus much we are hindered and disinured, by this course of Licensing, toward the true knowledge of what we seem to know. For how much it hurts and hind-

ers the Licenfers themselves in the calling of their ministry, more than any secular employment, if they will discharge that office as they ought, (so that of necessity they must neglect, either the one duty or the other;) I insist not, because it is a particular; but leave it to their own conscience, how they will decide it there.

There is yet behind of what I purposed to lay-open, the incredible loss and detriment that this plot of Licensing puts us to, more than if some enemy at sea should stop-up all our havens, and ports, and creeks; it hinders and retards the importation of our richest merchandize, Truth: nay, it was first established and put in practice by Antichristian malice and mystery on set purpose to extinguish, if it were possible, the Light of Reformation, and to settle Falsehood; little differing from that policy wherewith the Turk upholds his Alcoran, by the prohibiting of printing. It is not denied, but gladly confessed, we are to send our thanks and vows to Heaven, louder than most of nations, for that great measure of Truth which we enjoy, especially in those main points between us and the Pope, with, his appurtenances, the Prelates: but he who thinks we are to pitch our tent here, and have attained the utmost prospect of reformation, that the mortal glass wherein we contemplate can show us, till we come to beatific vision; that man by this very opinion declares, that he is yet far short of Truth.

We ought never to desist from our inquiries after truth, from a vain opinion that we have compleatly attained to it.

Truth indeed came once into the world with her divine master, and was a perfect shape most glorious to look-on: but when he ascended, and his Apostles after him were laid-asleep, then straight arose a wicked race of deceivers, who (as that story goes of the Egyptian Typhon with his conspirators, how they dealt with the

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good Ofyris,) took the virgin Truth, hewed her lovely form into a thousand pieces, and scattered them to the four winds. From that time ever since, the sad friends of Truth, such as durst appear, imitating the careful search that Isis made for the mangled body of Ofyris, went up and down gathering-up limb by limb, still as they could find them. We have not yet found them all, Lords and Commons, nor ever shall do, till her Master's second coming; He shall bring-together every joint and member, and shall mould them into an immortal feature of loveliness and perfection. Suffer not these Licensing prohibitions to stand at every place of opportunity forbidding and disturbing them that continue seeking, that continue to do our obsequies to the torn body of our martyred saint. We boast our light; but if we look not wisely on the sun itself, it smites us into darkness. Who can discern those planets that are oft combust, and those stars of brightest magnitude that rise and set with the sun, until the opposite motion of their orbs bring them to such a place in the firmament, where they may be seen evening or morning? The light which we have gained, was given us, not to be ever staring-on, but by it to discover onward things more remote from our knowledge. It is not the unfrocking of a priest, the unmitring of a bishop, and the removing him from off the presbyterian shoulders, that will make us a happy nation; no, if other things as great in the church, and in the rule of life, both æconomical and political, be not looked-into and reformed, we have looked so long upon the blaze that Zuinglius and Calvin have beacons-up to us, that we are stark-blind. There be who perpetually complain of Schisms and Sects, and make it such a calamity, that any man dissents from their maxims. It is their own

pride and ignorance which causes the disturbing; who neither will hear with meekness, nor can convince; yet all must be suppressed which is not found in their Syntagma. They are the troublers, they are the dividers of unity, who neglect and permit not others to unite those dissevered pieces, which are yet wanting to the body of truth. To be still searching what we know not, by what we know, still closing-up truth to truth as we find it, (for all her body is homogeneal, and proportional) this is the golden rule in theology as well as in arithmetic, and makes-up the best harmony in a church; not the forced and outward union of cold, and neutral, and inwardly-divided, minds.

The English nation was always remarkable for their love of knowledge and their diligence in the pursuit of truth.

Lords and Commons of England! consider what Nation it is whereof ye are, and whereof ye are the governors: a nation not slow and dull, but of a quick, ingenious, and piercing spirit; acute to invent, subtile and finewy to discourse; not beneath the reach of any point, the highest that human capacity can soar-to. Therefore the studies of Learning in her deepest Sciences have been so ancient, and so eminent, among us, that writers of good antiquity and able judgment have been persuaded, that even the school of Pythagoras, and the Persian wisdom, took beginning from the old Philosophy of this island. And that wise and civil Roman, Julius Agricola, who governed once here for Cæsar, preferred the natural wits of Britain, before the laboured studies of the French. Nor is it for nothing that the grave and frugal Transilvanian sends out yearly from as far as the mountainous borders of Ruffia, and beyond the Hercynian wilderness, not their youth, but their staid men, to learn our language, and our Theologic arts. Yet that which is above all this, the favour and the love of Heaven, we have great argument

to think in a peculiar manner propitious and propending towards us. Why else was this nation chosen before any other, that out of her, as out of Sion, should be proclaimed and founded-forth the first tidings and trumpet of Reformation to all Europe? And had it not been the obstinate perverseness of our Prelates against the divine and admirable spirit of Wickliff, to suppress him as a Schismatic and Innovator, perhaps, neither the Bohemian Hussite and Jerom, no nor the name of Luther or of Calvin, had been ever known: the glory of reforming all our neighbours had been completely ours. But now, as our obdurate Clergy have with violence demeaned the matter, we are become hitherto the latest and the backwardest scholars [of those] of whom God offered to have made us the teachers. Now once again, by all concurrence of signs, and by the general instinct of holy and devout men, as they daily and solemnly express their thoughts, God is decreeing to begin some new and great period in his church, even to the reforming of Reformation itself; what does he then but reveal himself to his servants, and, as his manner is, first, to his Englishmen? I say as his manner is, first to us, though we mark not the method of his counsels, and are unworthy. Behold now this vast city; a city of refuge, the mansion-house of liberty, encompassed and surrounded with his protection. The shop of war hath not there more anvils and hammers waking, to fashion-out the plates and instruments of armed Justice in defence of beleaguer'd Truth, than there be pens and heads there, sitting by their studious lamps, musing, searching, revolving new notions and ideas, wherewith to present, as with their homage and their fealty, the approaching Reformation: others as fast, reading, trying all things, assenting

A description of the zeal and eagerness with which the vast number of people then in London were studying and examining the doctrines of religion.

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ing to the force of reason and convinceiment. What could a man require more from a nation so pliant and so prone to seek after knowledge? What wants there to such a towardly and pregnant soil, but wise and faithful labourers, to make a knowing people, a nation of prophets, of sages, and of worthies? We reckon more than five months yet to harvest; there need not be five weeks, had we but eyes to lift-up, the fields are white already. Where there is much desire to learn, there of necessity will be much arguing, much writing, many opinions; for opinion in good men is but knowledge in the making. Under these fantastic terrours of Sect and Schism, we wrong the earnest and zealous thirst after knowledge and understanding, which God hath stirred-up in this city. What some lament of, we rather should rejoice at, should rather praise this pious forwardness among men, to reassume the ill-deputed care of their religion into their own hands again. A little generous prudence, a little forbearance of one another, and some grain of Charity, might win all these diligencies to join and unite into one general and brotherly search after truth; could we but forego this Prelatical tradition of crowding free consciences and Christian liberties into Canons and precepts of men. I doubt not, if some great and worthy stranger should come among us, wise to discern the mould and temper of a people, and how to govern it, observing the high hopes and aims, the diligent alacrity of our extended thoughts and reasonings in the pursuance of truth and freedom, but that he would cry-out, as Pyrrhus did, admiring the Roman docility and courage; "if such were my Epirots, I would not despair the greatest design that could be attempted to make a church, or kingdom, happy." Yet these are the men cried-

out

out against for Schismatics and Sectaries, as if, while the temple of the Lord was building, some cutting, some squaring the marble, others hewing the cedars, there should be a sort of irrational men, who could not consider there must be many schisms and many dissections made in the quarry and in the timber, ere the house of God can be built. And when every stone is laid artfully together, it cannot be united into a continuity, it can but be contiguous, in this world : neither can every piece of the building be of one form ; nay, rather the perfection consists in this, that out of many moderate varieties and brotherly dissimilarities, (that are not vastly disproportional,) arises the goodly and the graceful symmetry that commends the whole pile and structure. Let us therefore be more considerate builders, more wise in spiritual architecture, when great reformation is expected. For now the time seems come wherein Moses, the great prophet, may sit in Heaven rejoicing to see that memorable and glorious wish of his fulfilled, when not only our seventy elders, but all the Lord's people are become prophets. No marvel then, though some men, and some good men too, perhaps, but young in goodness, as Joshua then was, envy them. They fret and, out of their own weakness, are in agony, lest these divisions and subdivisions will undo us. The adversary again applauds, and waits the hour ; " when they have branched themselves out, saith he, small enough into parties and partitions, then will be our time." Fool ! he sees not the firm root, out of which we all grow, though into branches ; nor will beware until he see our small divided maniples cutting through at every angle of his ill-united and unwieldy brigade. And that we are to hope better of all these supposed Sects and Schisms, and that we shall not need that solli-

citude,

etude, (honest perhaps, though over-timorous,) of them that vex in this behalf, but shall laugh, in the end, at those malicious applauders of our differences, I have these reasons to persuade me.

The great tranquillity of the people in London, though in a time of war and danger, and their earnest application to the business of reformation, are proofs of their confidence in their leaders, the two houses of Parliament, and a strong presage of a final victory.

First, when a city shall be, as it were, besieged and blocked-about, her navigable river infested, inroads and incursions round, defiance and battle oft rumoured to be marching-up, even to her walls and suburb-trenches; that then, the people, or the greater part, more than at other times, wholly taken-up with the study of highest and most important matters to be reformed, should be disputing, reasoning, reading, inventing, discouraging, even to a rarity and admiration, things not before discoursed or written of, argues, first, a singular good-will, contentedness, and confidence in your prudent foresight, and safe government, Lords and Commons; and from thence derives itself to a gallant bravery and well-grounded contempt of their enemies, as if there were no small number of as great spirits among us, as his was who, when Rome was nigh besieged by Hannibal, being in the city, bought that piece of ground at no cheap rate, whereon Hannibal himself encamped his own regiment. Next, it is a lively and cheerful presage of our happy success and victory. For, as in a body, when the blood is fresh, the spirits pure and vigorous, not only to vital, but to rational, faculties, and those in the acutest, and the pertest operations of wit and subtlety, it argues in what good plight and constitution the body is; so when the cheerfulness of the people is so sprightly up, as that it has not only wherewith to guard well its own freedom and safety, but to spare, and to bestow upon the solideest and sublimest points of controversy and new invention, it betokens us not degenerated, nor drooping to a fatal decay,

decay, by casting-off the old and wrinkled skin of corruption, to outlive these pangs, and wax young again, entering the glorious ways of truth and prosperous virtue, destined to become great and honourable in these latter ages. Methinks I see in my mind a noble and puissant Nation rousing herself like a strong man after sleep, and shaking her invincible locks: methinks I see her as an eagle, muing her mighty youth, and kindling her undazzled eyes, at the full midday beam; purging and unscaling her long-abused sight at the fountain itself of heavenly radiance; while the whole noise of timorous and flocking birds, with those also that love the twilight, flutter-about, amazed at what she means, and, in their envious gabble, would prognosticate a year of Sects and Schisms.

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What should ye do then? Should ye suppress all this flowery crop of knowledge and new light sprung-up and yet springing daily in this city? Should ye set an oligarchy of twenty Engrossers over it, to bring a famine upon our minds again, when we shall know nothing but what is measured to us by their bushel? Believe it, Lords and Commons! they who counsel ye to such a suppressing, do as good as bid ye suppress yourselves; and I will soon show how. If it be desired to know the immediate cause of all this free-writing and free-speaking, there cannot be assigned a truer than your own mild, and free, and humane government; it is the Liberty, Lords and Commons, which your own valorous and happy counsels have purchased us; Liberty, which is the nurse of all great wits: This is that which hath rarefied and enlightened our spirits like the influence of Heaven; This is that which hath enfranchised, enlarged, and lifted-up our apprehensions degrees above themselves. Ye cannot make us now

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less capable, less knowing, less eagerly pursuing of the truth, unless ye first make yourselves, that made us so, less the lovers, less the founders, of our true Liberty. We can grow ignorant again, brutish, formal, and slavish, as ye found us; but you then must, first, become that which ye cannot be, oppressive, arbitrary and tyrannous, as they were from whom ye have freed us. That our hearts are now more capacious, our thoughts more erected to the search and expectation of greatest and exactest things, is the issue of your own virtue propagated in us; ye cannot suppress that, unless ye re-inforce an abrogated and merciless law, that fathers may dispatch at will their own children. And who shall then stick closest to ye and excite others? Not he who takes-up arms for coat and conduct, and his four nobles of Danegelt. Although I dispraise not the defence of just immunities, yet love my peace better, if that were all. Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.

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What would be best-advised then, if it be found so hurtful and so unequal to suppress opinions for the newness, or the unsuitableness to a customary acceptance, will not be my task to say; I shall only repeat what I have learned from one of your own honourable number, a right-noble and pious Lord, who had he not sacrificed his life and fortunes to the church and commonwealth, we had not now missed and bewailed a worthy and undoubted patron of this argument. Ye know him, I am sure; yet I, for honour's sake, (and may it be eternal to him!) shall name him, the Lord Brook. He, writing of Episcopacy, and, by the way, treating of Sects and Schisms, left ye his vote, or, rather now, the last words of his dying charge, which I know will ever
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be of dear and honoured regard with ye, so full of meekness and breathing charity, that, next to His last testament who bequeathed Love and Peace to his disciples, I cannot call to mind where I have read, or heard, words more mild and peaceful. He there exhorts us "to hear with patience and humility those, (however they be miscalled,) that desire to live purely, in such a use of God's ordinances, as the best guidance of their conscience gives them, and to tolerate them, though in some disconformity to ourselves." The book itself will tell us more at large, being published to the world, and dedicated to the Parliament by him, who, both for his life and for his death, deserves, that what advice he left be not laid-by without perusal.

And now the time in special is, by privilege to write and speak what may help to the further discussing of matters in agitation. The temple of Janus, with his two controversial faces, might now not unsignificantly be set-open. And, though all the winds of doctrine were let loose to play upon the earth, so Truth be in the field, we do injuriously, by Licensing and prohibiting, to misdoubt her strength. Let her and Falshood grapple; who ever knew Truth put to the worse, in a free and open encounter? Her confuting is the best and surest suppressing. He who hears what praying there is for light and clear knowledge to be sent-down among us, would think of other matters to be constituted beyond the discipline of Geneva, framed and fabricated already to our hands. Yet, when the new light which we beg for, shines-in upon us, there be who envy and oppose, if it come not first in at their casements. What a collusion is this, whenas we are exhorted by the wise man to use diligence, "to seek for wisdom as for hidden treasures" early and late, that
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It is more particularly fit at this time, while the reformation of religion is yet in agitation and incomplete, to permit men to publish their thoughts without restraint.

another order shall enjoin us, to know nothing but by flatute? When a man hath been labouring the hardest labour in the deep mines of knowledge, hath furnished-out his findings in all their equipage, drawn-forth his reasons as it were a battle ranged, scattered and defeated all objections in his way, calls-out his adversary into the plain, offers him the advantage of wind and sun, if he please, only that he may try the matter by dint of argument; for his opponents then to sculk, to lay ambushments, to keep a narrow bridge of Licencing where the challenger should pass, though it be valour enough in soldiership, is but weakness and cowardice in the wars of Truth. For who knows not that Truth is strong, next to the Almighty? she needs no policies, nor stratagems, nor licencings, to make her victorious: Those are the shifts and the defences that Error uses against her power; Give her but room, and do not bind her when she sleeps: for then she speaks not true, (as the old Proteus did, who spake oracles only when he was caught and bound,) but then rather she turns herself into all shapes, except her own, and perhaps tunes her voice according to the time, (as Micaiah did before Ahab,) until she be adjured into her own likeness. Yet is it not impossible that she may have more shapes than one. What else is all that rank of *things indifferent*, wherein Truth may be on this side, or on the other, without being unlike herself? What but a vain shadow else is the abolition of "those ordinances, that hand-writing nailed to the cross? what great purchase is this Christian liberty which Paul so often boasts of? His doctrine is, that he who eats or eats not, regards a day or regards it not, may do either to the Lord. How many other things might be tolerated in peace, and left to conscience,

Many things are in their nature indifferent, and a difference in opinion concerning them ought to be permitted.

conscience, had we but charity, and were it not the chief strong-hold of our hypocrisy to be ever judging one another? I fear yet this iron yoke of outward conformity hath left a slavish print upon our necks; the ghost of a linen decency yet haunts us. We stumble, and are impatient, at the least dividing of one visible congregation from another, though it be not in fundamentals; and through our forwardness to suppress, and our backwardness to recover, any enthralled piece of truth out of the gripe of custom, we care not to keep truth separated from truth, which is the fiercest rent and disunion of all. We do not see, that while we still affect, by all means, a right external formality, we may as soon fall again into a gross conforming stupidity, a stark and dead congealment of "wood and hay and stubble," forced and frozen together, which is more to the sudden degenerating of a church than many subdichotomies of petty schisms. Not that I can think well of every light separation; or that all in a church is to be expected "gold and silver and precious stones:" it is not possible for man to sever the wheat from the tares, the good fish from the other fry; that must be the angels ministry at the end of mortal things. Yet if all cannot be of one mind, (as who looks they should be?) this doubtless is more wholesome, more prudent, and more christian, that many be tolerated rather than all compelled. I mean not tolerated *popery and open superstition*; which as it extirpates all religions and civil supremacies, so itself should be extirpate; provided, first, that all charitable and compassionate means be used to win and regain the weak and the misled. That also *which is impious, or evil, absolutely, either against faith or manners*, no law can possibly permit, that intends not to unlaw itself: but those neighbouring differences,

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differences, or rather indifferences, are what I speak of, whether in some point of doctrine, or of discipline, which though they may be many, yet need not interrupt the unity of spirit, if we could but find among us the bond of peace. In the mean while, if any one would write, and bring his helpful hand to the slow-moving reformation which we labour under, if truth have spoken to him before others, or but seemed at least to speak, who hath so bejesuited us, that we should trouble that man with asking licence to do so worthy a deed; and not consider this, that if it come to prohibiting, there is not aught more likely to be prohibited than truth itself: whose first appearance to our eyes, bleared and dimmed with prejudice and custom, is more unsightly and unplaussible than many errors; even as the person is of many a great man slight and contemptible to see-to. And what do they tell us vainly of new opinions, when this very opinion of theirs, that none must be heard but whom they like, is the worst and newest opinion of all others; and is the chief cause why Sects and Schisms do so much abound, and true knowledge is kept at distance from us; besides yet, a greater danger which is in it. For when God shakes a kingdom, with strong and healthful commotions, to a general reforming, it is not untrue that many sectaries and false teachers are then busied in seducing. But yet more true it is, that God then raises to his own work, men of rare abilities, and more than common industry, not only to look-back and revise what hath been taught heretofore, but to gain further, and go-on, some new enlightened steps in the discovery of truth. For such is the order of God's enlightening his Church, to dispense and deal-out by degrees his beam, so as our earthly eyes may best sustain

sustain it. Neither is God appointed and confined, where and out of what place these his chosen shall be first heard to speak; for he sees not as man sees, chooseth not as man chooseth, lest we should devote ourselves again to set-places, and assemblies, and outward-callings of men; planting our faith one while in the old Convocation-house, and another while in the Chapel at Westminster; when all the faith and religion that shall be there canonized, is not sufficient without plain convincement. and the charity of patient instruction, to supple the least bruise of conscience, to edify the meanest christian, who desires to walk in the spirit, and not in the letter of human trust, for all the number of voices that can be there made; no, though Harry the Seventh himself there, with all his liege tombs about him, should lend them voices from the dead to swell their number. And, if the men be erroneous who appear to be the leading Schismatics, what withholds us but our sloth, our self will, and distrust in the right cause, that we do not give them gentle meetings and gentle dismissions; that we debate not, and examine the matter thoroughly, with liberal and frequent audience; if not for their sakes, yet for our own? Seeing no man who hath tasted learning, but will confess the many ways of profiting by those who, not contented with stale receipts, are able to manage and set-forth new positions to the world. And, were they but as the dust and cinders of our feet, so long as in that notion they may yet serve to polish and brighten the armoury of truth, even for that respect they were not utterly to be cast-away. But, if they be of those whom God hath fitted for the special use of these times, with eminent and ample gifts, and those, perhaps, neither among the priests, nor among the Pharisees, and we in

the haste of a precipitant zeal shall make no distinction, but resolve to stop their mouths, because we fear they come with new and dangerous opinions, as we commonly forejudge them, ere we understand them; no less than woe to us, while, thinking thus to defend the Gospel, we are found the persecutors!

Several of the Presbyterian ministers themselves, did eminent service to the Publick, at the beginning of this parliament, by publishing bold, but useful, books, without Licences, in contempt of the laws concerning Licensing then in being

There have been not a few since the beginning of this Parliament, both of the Presbytery and others, who by their unlicensed books, to the contempt of an *Imprimatur*, first broke that triple ice clung about our hearts, and taught the people to see day: I hope that none of those were the persuaders to renew upon us this bondage, which they themselves have wrought so much good by contemning. But, if neither the check that Moses gave to young Joshua, nor the countermand which our Saviour gave to young John, (who was so ready to prohibit those whom he thought unlicensed,) be enough to admonish our elders, how unacceptable to God their testy mood of prohibiting is; if neither their own remembrance, what evil hath abounded in the church by this lett of Licensing, and what good they themselves have begun by transgressing it, be not enough, but that they will persuade and execute the most Dominican part of the Inquisition over us, and are already with one foot in the stirrup, so active at suppressing, it would be no unequal distribution, in the first-place, to suppress the suppressors themselves; whom the change of their condition hath puffed-up, more than their late experience of harder times hath made wise.

The Order of Parliament next before the present one, was the properest

And as for regulating the press, let no man think to have the honour of advising ye better than yourselves have done in that Order, published next before this, "That no book be printed, unless the printer's and the

the author's name, or at least the printer's, be registered." Those which otherwise come forth, if they be found mischievous and libellous, the fire and the executioner will be the timeliest and the most effectual remedy, that man's prevention can use. For this authentic Spanish policy of Licensing books, if I have said aught, will prove the most unlicensed book itself, within a short while; and was the immediate image of a Star-chamber decree to that purpose, made in those very times, when that Court did the rest of those her pious works, for which she is now fallen from the stars with Lucifer. Whereby ye may guess what kind of State-prudence, what love of the people, what care of religion, or good manners, there was at the contriving, although, with singular hypocrisy, it pretended to bind books to their good behaviour. And how it got the upper hand of your precedent order, so well constituted before, if we may believe those men, whose profession gives them cause to inquire most, it may be doubted there was in it the fraud of some old patentees and monopolizers in the trade of book-selling; who, under pretence of the poor in their company not to be defrauded, and the just retaining of each man his several copy, (which God forbid, should be gain said!) brought divers glossing colours to the house, which were indeed but colours, and serving to no end except it be to exercise a superiority over their neighbours; men who do not labour in an honest profession, to which Learning is indebted, that they should be made other men's vassals. Another end, is thought, was aimed at by some of them, in procuring by petition this Order, that having power in their hands, malignant books might the easier escape abroad, as the event shows. But of these sophisms and elenchs of merchandize I skill not: This I know, that

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errours in a good government, and in a bad, are equally almost incident ; for what magistrate may not be misinformed, and much the sooner, if liberty of printing be reduced into the power of a few ? But to redress willingly, and speedily, what hath been erred, and in highest authority, to esteem a plain advertisement, more than others have done a sumptuous bride, is a virtue (honoured Lords and Commons !) answerable to your highest actions, and whereof none can participate but greatest and wisest men.

OF THE INNOCENCE OF THE LATE KING OF FRANCE,
LEWIS XVI. OF ALL THE CHARGES LATELY BROUGHT
AGAINST HIM.

To the PRINTER of the PUBLIC ADVERTISER.

SIR,

May 7, 1793.

I HAVE lately seen a work written by M. *De Sainte Croix*, who was Secretary of state for foreign affairs to the late innocent and unfortunate King of France, Lewis the Sixteenth, on the 10th of August last, when his Palace of the Thuilleries at Paris was assaulted, and his faithful Swiss guards were murdered by a furious mob of banditti, who were determined to convert the monarchical government of France, limited and weak as it was, into a pure republick. The book is entitled, "A History of the Conspiracy of the Republicans of Paris against the then subsisting Government, which broke-out on the 10th of August, 1792;" and contains many proofs of a design, carried-on for several months together, to embarrass and degrade, and ultimately to overthrow, the regal part of the *Constitutional Government*, which had been established, by the first National Assembly. In prosecution of this design, it was the constant employment of the writers of Republican news-papers to blacken the King's character and conduct in the eyes of the people, by ascribing to him views which he never entertained, nor, (from the scrupulous integrity, which now appears to have governed all his actions,) was capable of entertaining, and measures in which he had no concern. In particular it was given-out

that he sent money to some of the gentlemen who had formerly been of his life-guard, to encourage them to serve in the army of the emigrants under his brothers, the Counts of Provence and Artois, and join with the Austrians and Prussians under the Duke of Brunswick in the invasion of France in last July, 1792; and it was also said that he was privy to, and encouraged, the treaty of Pilnitz in the preceeding summer, 1791, between the Emperour of Germany, Leopold II. and the King of Prussia, which was supposed to have been made with a view to an invasion of France, and a re-establishment of the former absolute regal government. Now the virtuous Lewis was innocent of both these charges. He had, indeed, continued to many of his old life-guard-men their former pay: but it was out of mere bounty and gratitude to them for their former services, and upon an express condition that they should continue to reside in France, and should produce certificates of their doing so to the person from whom they were to receive the money, which made it impossible for them to serve in the emigrants army. This was proved at the trial of the unfortunate monarch, by a written document produced by M. De Seze, one of his counsel, and of which the authenticity has never been disputed; and now it is confirmed by a testimony of M. De Sainte Croix, one of the King's ministers of state; who likewise informs us that the King had no concern in the treaty of Pilnitz, and was extremely uneasy at the thoughts of an invasion of his kingdom by German, or any foreign, armies, for the purpose of effecting a counter-revolution, and restoring him to his former power.

The passages of Monsieur De Sainte Croix's book which relate to these subjects are as follows:

' On the 7th of last August, 1792, that is, three days before the attack made on the palace of the Thuilleries,

' the

the King, in a conference I had with him, in which he mentioned this subject of his own accord, showed me a paper, which proved that ever since the last months of the preceeding year, 1791, no payments had been made to these life-guard-men, even of the arrears that had become due before that time, without authentick certificates of their having a known residence in France. I have had the original order of the King made for this purpose, and which was all written in his own handwriting, in my hands, and, from having read it, can attest that this was the purport of it.

The next passage relates to the King's endeavours to prevent any hostile attempts against France from the neighbouring powers on the Continent, and is as follows:

All the political cabinets of Europe will bear witness to the spirit of peace and conciliation which constantly governed the King of France in all his transactions with foreign powers. If his enemies should blame the use he made of his influence at the Court of Vienna, I can answer, that he was so far from making the use they would suggest of this influence, that, so long ago as the spring of the year 1791, he prevented the execution of a secret plan that had been settled at Mantua for invading France about two months after, when the French armies were as yet incomplete, and the frontiers of the kingdom undefended. And in the summer of the same year 1791, he prevented the effects of the treaty of Pilnitz; and in the autumn of the same year he concerted measures with the Emperour for keeping all the troops and military preparations that had lately been making near the Rhine, from passing that river towards the eastern frontier of France. That these things are so, I, (who have been the King's minister for foreign affairs, and must therefore be supposed to have been acquainted with them,) do positively

' positively assert. Let the King's enemies, if they pre-
 ' tend to doubt of them, publish the papers of the King's
 ' foreign correspondence, which their mobs carried-off by
 ' force from the palace of the Thuilleries on the fatal 10th
 ' of August. I challenge them to do so: for the Publick
 ' will then see the most indisputable proofs of the repeated
 ' and most earnest endeavours of the King to avoid this
 ' war with the powers of Germany, which was first pro-
 ' voked, and, afterwards absolutely brought-on and en-
 ' gaged-in by those very persons who now have the auda-
 ' city to lay the blame of it upon him. They seem to
 ' think it possible for us to have forgot that the National
 ' Assembly passed a decree of accusation against one of the
 ' King's Ministers, Monsieur de Lessart, merely because he
 ' had avoided entering into the war; and that the republi-
 ' can party, by threatening the King with the dangers of
 ' another insurrection at Paris, forced him to admit to the
 ' office, which that Minister was obliged to quit, another
 ' person who was devoted to their views, Monsieur du
 ' Mouriez, and who soon managed matters in such a way,
 ' as to make the entering into that war a measure of ab-
 ' solute necessity. As to the King himself, he never
 ' considered war in any other light than as a fresh source
 ' of publick confusions and misfortunes; and, instead of
 ' wishing for a counter-revolution, he dreaded it as an
 ' occasion of committing new crimes that would further
 ' dishonour the nation; and he used his utmost endeavours
 ' to prevent any interference of foreign powers in the
 ' domestick concerns of France. Alas! how little is his
 ' character understood! the only objects of his wishes are,
 ' to see a stop to the present confusions and political dis-
 ' sensions of France, a return of the blessings of domestick
 ' peace and good order, and, above all, a revival of the
 ' people's good opinion of him, and confidence in the
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‘purity of his intentions. The want of this confidence is
 ‘what afflicts him more than all his other misfortunes;
 ‘and he could bear with patience the grossest calumnies, if
 ‘they did not make an impression on the people. At the
 ‘very thought of this effect of them, I have seen the tears
 ‘come into his eyes. It is that, (said he on the 3d of last
 ‘August, 1792) it is that circumstance that wounds my
 ‘very soul—But the people, I trust, will one day know how
 ‘much their happiness was the object of my concern, my
 ‘only wish, and my greatest want. Oh! how many of
 ‘the misfortunes which I am doomed to suffer, would
 ‘become light, and lose their power of afflicting me, if I
 ‘could but once perceive the slightest mark of the return of
 ‘my people’s love.” O! most unhappy, and most deluded
 ‘people of France! surely when you hear that your Sove-
 ‘reign uttered these affectionate expressions, your eyes also
 ‘ought to be filled with tears!’

Mr. Printer, if you think these passages, in favour of the
 character of the late unfortunate King of France, worth
 publishing in your useful paper, I may perhaps send you
 another extract from the same book to the same effect.
 Mr. Pope says, that ‘An honest man’s the noblest work
 of God.’ Now I take Lewis the XVIth to have been
 really an honest man; and, if so, he is not the less to be
 honoured on that account, because he was a King; but
 rather the reverse, on account of the temptations to which
 Kings are exposed from their high station, and the flattery
 with which they are continually surrounded, even from their
 early youth, and which has a strong tendency to corrupt
 them,

A CONSTANT READER.

F. M.

ON MR. COURTNEY'S INTENDED MOTION, CONCERNING
THE PROCESS OF ECCLESIASTICAL COURTS, AGAINST
PERSONS MARRIED TOGETHER IN SOME MANNER NOT
ALLOWED BY LAW.

To the PRINTER of the PUBLIC ADVERTISER.

SIR,

May 9, 1793.

I CANNOT but wonder at Mr. Courtney's having put-off his intended motion concerning the women that are now in prison, by process of the Ecclesiastical courts, on account of the difficulty of providing a remedy to this grievance. The remedy appears to me to be very obvious—it is simply this: To allow of some other mode of marrying, as legal, besides that prescribed by the church of England.

As the law now stands, there is no other mode of marrying that is clearly and indisputably legal.—I say *clearly* and *indisputably* legal, because I know that the marriages of Jews and Quakers are spoken-of in Lord Hardwicke's marriage-act, passed in the year 1752, as if they were legal; which may be considered as a sort of collateral, or occasional, legislative confirmation of them.—Yet, if a Quaker was to die intestate, and in possession of a landed estate of inheritance, and his wife was to claim her dower of one third part of his said landed estate during her life; and the intestate's next heir, (as, for instance, his brother,) was to dispute her claim to such dower, on the ground of her not having been lawfully married to the intestate, I do not see how she could ever establish her marriage; as the only known way of proving a marriage in such an action for dower, is to procure from the bishop of the diocese in which the marriage

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was solemnized, his certificate that the said parties were at such a time and place joined-together in holy matrimony, *legitimo matrimonio copulati*; which certificate, I presume, would not be granted to the Quaker's wife. And still less does our law allow the validity of marriages performed according to the ceremonies of the Mahometan religion, or any other religion less known to Englishmen. Yet it is certain, that all persons who are permitted to live in England, ought to be permitted to marry there; and it is likewise certain, that, according to the principles of the Protestant religion, marriage is not a sacrament, but a civil contract. It seems, therefore, to be reasonable that an act of Parliament should be passed to this effect, to wit, 1st, To make all the marriages celebrated in the meeting-houses, or chapels, of Protestant dissenters, (duly licensed according to the Toleration-act) lawful: and 2ndly, To declare all marriages celebrated by Quakers, in their meeting-houses, and by Jews in their synagogues, to be also lawful: and, 3dly, To declare that all marriages that shall be entered-into before the Justices of the Peace of any county, at their Quarter-sessions, or other general sessions, and perhaps, even before any two Justices of the Peace, shall also be lawful. This would accommodate persons of all religions, and of all different sects of religion, and prevent such grievances as those which Mr. Courtenay proposes to relieve. In the mean while, it must be observed, that the Ecclesiastical courts are not to be blamed for their conduct in this unfortunate business, as they have only done their duty with respect to the persons brought before them upon a charge of Incontinence, upon the principles of the Law, as it now stands.

I am your

CONSTANT READER.

F. M.

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May 9, 1793.

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REASONS WHY THE WAR WITH FRANCE COULD
NOT BE AVOIDED.

To the PRINTER of the PUBLIC ADVERTISER.

S I R,

Sept. 28, 1793.

I AM one of those who lament the war we are now engaged in with France as a very great evil, but think it is an evil of necessity, that could not have been avoided, and therefore must be submitted to with patience, and carried on (as it has been) with vigour.

My reason for thinking it could not have been avoided is, that it seems to have been a fixed principle of the new republican governours of France (though not of the makers of the former Constitutional Monarchy, as it is called) to extend their new mode of government to other nations. Their resolutions of the 15th and 30th of last December, 1792, prove this beyond a doubt; and their bold and wanton Declarations of war against both Spain and Great-Britain at the same time, and their invasion of Holland by laying siege to Williamstadt, and taking possession of Breda, are notorious confirmations of it.—And lately Mr. Mallet du Pan, the bold and upright author of the valuable French periodical paper, called *Le Mercure de France*, which was published every week (if I mistake not) from the first meeting of the States General of France in May, 1789, to the beginning of August, 1792, when Monarchy and the Liberty of the Press were abolished together, and the practice of

assassination,

assassination and of summary trial and condemnation by the mob, or, as they are called, *the sovereign people*, acting in their own persons, and not by their representatives, was adopted, and, at least, connived-at by the Convention—I say, this Mr. Mallet du Pan has lately given us an extract from a letter of Monsieur Brissot (a great leader of the republican party in France) written in confidence to one of his friends, (who was a Member of the French Convention, and deputed by them to superintend the Generals of their armies,) which expressly avows this most dangerous and hostile principle. The words of Monsieur Brissot are as follows: “ Il faut incendier les quatre coins de l’Europe : Notre salut est là :” That is, “ We must set the four corners of Europe on fire : Our safety lies in that.”—This passage of Mr. Brissot’s letter is contained in the 37th page of a pamphlet of Mr. Mallet du Pan, lately published, which is entitled, “ Considérations sur la Nature de la Révolution de France, et sur les Causes qui en prolongent la durée,” and contains much curious and important information.—Mr. Mallet likewise informs us (in page 32 of the same pamphlet, note 1), that this same Monsieur Brissot, about last September, 1792, when the mob of Paris was plundering and beheading the editors of news-papers of a contrary party to himself (who is also a publisher of a news-paper), excused all these enormities by saying, “ That “ it was proper to yield to the peculiar circumstances of “ the times, and to let the laws sleep a little with respect “ to the perpetrators of them ;” and he further informs us, that the same Monsieur Brissot publicly and solemnly boasted, “ That he had been the cause of the French “ Government’s declaring war against the Austrians in April, “ 1792, with a view to find an opportunity, on the first “ failure of success of the French arms, of throwing the blame “ of such failure upon the King, and accusing him of collud-
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“ing with the enemy, and betraying the cause of France,
 “and, by means of such accusations, of driving him from
 “the throne.”

Mr. Mallet du Pan informs us of another curious fact, which shews us how much the present rulers of France are lost to all sense of justice or humanity.

There are, now in France many bloody Tribunals, lately erected for trying crimes against the State, which are called Revolutionary Tribunals, besides the principal one, which is at Paris, and by which so many unhappy persons have been put to death. One of these is for the Department of the river Ain, and the prison belonging to it is at a place called Bourg. Many prisoners of different ranks and conditions were confined in this prison of Bourg for pretended State-crimes. But, as there were no proofs of their guilt, the Judges of the revolutionary Tribunal of that Department did not condemn them to die. This regard to justice was considered by the Commissioners from the Convention, who were sent to superintend their proceedings, as a criminal slackness and neglect of their duty, and the Commissioners upbraided them on account of it; to which when they answered, “that they could not find in their hearts to
 “condemn to death a crowd of citizens of all sorts and
 “conditions that were then in the prisons, without having
 “proofs of their guilt”—the Commissioners replied sharply, and with countenances full of anger, “Why! if we had
 “thought it necessary to proceed only upon proofs, could
 “we ever have condemned Lewis Capet?” Such are the persons who now govern the French nation.

Before I conclude this letter, I will just mention what I take to be the grand mistake of the French nation, and of the political writers whose sentiments they have adopted, within the last four or five years. It is, “that civil government should be administered by the people at large.” Now

this

this is totally impracticable in a large country, such as England or France, and very absurd and inexpedient in a small country, such as one of the smaller Swiss Cantons, or the Republic of Geneva. On the contrary, it is in all cases expedient to delegate the power of Government to a *select part* of the society that is to be governed ; whether, to one person, (which makes an Absolute Monarchy) or to one person with an assembly of representatives chosen by the people, or by the land-holders or house-holders of the country (which would make a Limited Monarchy similar to the late Constitutional Monarchy of France,) or to one person with two assemblies, the one consisting of the richer part of the society, either holding their seats by Inheritance, to make them independent of the King, or appointed by the King for life, but with certain necessary qualifications of large property or high offices ; and the other chosen by the people, or by the land-holders or house-holders among the people, (which would make a Limited Monarchy, such as that of England) or to one or two select assemblies, without a single person, which would make a Common-wealth, or Republick. These and other such modifications of the publick power, delegated by the whole society to a select part of it, are practicable schemes, and may produce a tolerable system of Government, under which a civil society may flourish and be happy.

But for the whole people to retain the power of the Government in their own hands, and exercise it themselves, is the height of all absurdity, and was never attempted before the present experiment in France ; of which we see, and feel, and lament, the horrid effects !

In all the ancient republicks of Greece and Italy, the majority of the people were slaves. In Athens (which is often mentioned as a noble democracy, in which the people governed themselves,) there were only 20,000 free citizens, and 400,000 slaves ; that is, twenty parts out of twenty-one were governed by the remaining twenty-first part.

In Sparta, the *Helots*, who were kept in a shameful state of slavery, were much more numerous than the free Spartans. And the like observation may be made on the inhabitants of Rome, and the other Republican governments of antiquity.

In short, the truth is, first, that all just government is *for* the people, and ought to have their welfare and happiness in view as its grand object, and not the happiness of the governing few, otherwise than in common with the governed, or inferior members of the society; and, secondly, all just government is derived from the people, or founded on their consent, either expressed or implied, since no man, or body of men, have received an express commission from the Supreme Being to govern their fellow-creatures; but, thirdly, it is equally true that all good government ought to be vested in a select part of the people, with the choice and consent of the rest, and not in the people at large, and that it should be administered by such select part, and should be submitted-to by the rest of the people with cheerful, respectful, and grateful, obedience, which is commonly called *loyalty*, till some enormous abuses of the powers of government, by the governing part of the society, have been complained-of, and petitioned-against, by the persons who have suffered from them, and yet have not been corrected and reformed, but insolently persevered-in and repeated; in which case there lies in the people at large *a moral right*, not to govern themselves, but to dissolve the government which they had before adopted, dismiss their governors, and choose better men in their stead, and, if necessary, a better form of government than they had before; and then submit to such new governors and new form of government with the same deference, respect, and humility, with which they had before submitted to the former government, while it
had

had been justly administered, and before the existence of the abuses which had given occasion to its overthrow.

Every interference of the people at large with government, beyond this, leads only to confusion and misery.

I remain,

Your most humble servant,

A CONSTANT READER.

F. M.

THOUGHTS ON THE LATE NEGOTIATION FOR PEACE

To the PRINTER of the MORNING HERALD.

MR. EDITOR,

Oct. 1, 1797.

ON reading in your Paper this morning, that the French Directory insisted, in the late negotiation at Lisle, on Great Britain's restoring all the conquests she has made both from the French and from the Dutch before they will consent to Peace with us, it occurred to me that such a demand would give us a just pretence for forming a counter-demand of somewhat the same nature, but much more moderate in its extent, upon them and their allies, the new Batavian Republic. This demand is, that the French Government would restore to the Batavian Republic the town of Maestricht, and all the rest of what was called Dutch Brabant, and every thing else that the late Dutch Government possessed in the Low Countries before the French invasion; and would also cede to them the city and Marquisate of Antwerp, and the town of Ostend, with the district adjoining it; and that the Batavian Republic would restore to the prince of Orange all the estates which have been taken from him, and which belonged to him as prince of Orange, independently of his office of Stadtholder. Such a proposal would, I should suppose, be agreeable to the Batavian Republic, as it would tend, in some degree, to restore them to a state of independence of France, of which they are at present little better than a province: and it would be but a small diminution of the large
and

and populous territories acquired by France in this unfortunate war, by the conquest of the rest of the Austrian Netherlands, which it is now in vain to think of wresting from them, though it is a great misfortune to us, as well as to the inhabitants of those provinces themselves, and to their late Sovereign, the Emperour of Germany, and to the Dutch, that those provinces have been conquered by them. For this unhappy event, we are to thank the arbitrary encroachments made on the liberties of those inhabitants by the late Emperour Joseph II. in breach of the oath he had taken to maintain those liberties, and of the Treaty of Utrecht, by which alone he had any right of sovereignty over those countries: perhaps also we may thank the supineness and negligence of our own Government at that time, in not interfering with that rash and tyrannical Emperour, in the best manner we could, to check his proceedings, and protect the liberties of those people, as being guarantees of the Treaty of Utrecht, by which those liberties were promised to be continued to them. These things, however, are now past, and the mischiefs of various kinds produced by them are irreparable. But, though those provinces cannot now be recovered from France, yet, surely, we may hope to procure the small portions of them above mentioned to be restored and ceded to the Batavian Republick, in order to procure it a moderate degree of independence: and this would be of great importance towards the preservation of our own independence. Perhaps, also, as great changes are now making over all Europe, it might be expedient for us to give up Gibraltar to the Spaniards, in exchange for the island of Minorca, which, though not quite so strong as Gibraltar, could not have been taken from us, either in the year 1756, or the year 1781, if the garrison had been stronger than it was by only 1500 or 2000 men.

And, as the West-India Colonies will be of no use either to us or any other of the European States to which they be-

long, unless the negro slaves in them continue in a state of subjection and industry, I could wish that we should retain Martinico, and have all the other French Colonies there, such as Guadaloupe and St. Domingo, ceded to us, or ceded to the Spaniards, by the French; and, in consideration of such cessions, we should be ready to pay to the French a sum of two or three millions of pounds sterling. This measure I should consider as expedient, not from an avaricious desire of monopolizing all the sugar-islands in the West-Indies, but for the sake of preserving our own former sugar-islands, which will soon be rendered useless to us, and even become a nuisance both to us and to all the commercial States in the world, if Martinico, Guadaloupe, and the other French islands, shall be brought into the miserable state of St. Domingo, by the sudden emancipation of the negro slaves. I would not, however, be supposed to be a friend to the Slave-trade: for I heartily wish it were abolished, according to Mr. Wilberforce's benevolent, and, as I think, prudent, plan, and that without further delay. But this is quite a different question from that of the emancipation of the negroes already in the West-India islands; for such an emancipation, besides being an enormous injury to the Planters who own them, would throw every thing into confusion, and bring on the general misery of all the inhabitants of those Colonies, the negroes themselves, as well as the white men, their masters.

It is only to avoid such general scenes of misery and desolation that I should wish to have the French islands ceded to us; and I should, therefore, be almost as well pleased to see the whole island of St. Domingo ceded to the Spaniards (who are said to be the mildest and most judicious masters of slaves of any of the European nations that have settled in America), as to the Crown of Great Britain. The preservation of our own independance and of our property, and not the acquisition of more power, or wealth, or trade, ought now

to

to be our great object ; and to this object the measures I have suggested would contribute.

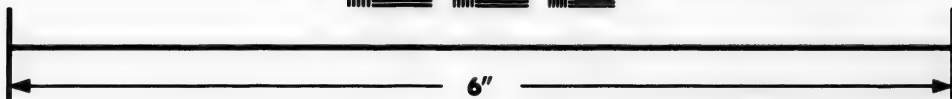
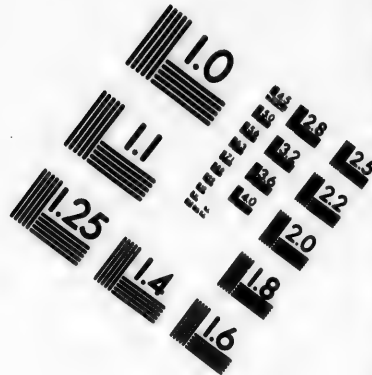
As to the proposal of paying two or three millions of pounds sterling for those islands, I confess it is a mortifying and humiliating condition ; but we are not victorious in the present war, and must submit to the inconveniences resulting from the ill success of it : and we ought to recollect, that, at the enormous rate of expence at which this war has been carried-on, (whether such expence has been necessary or not, I do not pretend to determine,) three millions of pounds sterling is less than the expence of carrying-on the war for only two months ; and, consequently, many a sum of three millions must be spent in consequence of our refusal to pay this, or some such, sum, if the French should be disposed to accept of it as the price of those islands and of an immediate peace.

If these conditions were complied-with by the French, I should think Great Britain ought to think herself happy to obtain the restoration of peace by the cession of the French factory of Pondicherry, the Dutch island of Ceylon, and the value of the ships destroyed at Toulon ; and even of the Cape of Good Hope, and of every other place that we may have taken from either the French or the Dutch Republicks in the course of the war.

A LOVER OF PEACE.

F. M.





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REFLECTIONS ON SOME OF THE MOST IMPORTANT ARTICLES THAT IT WOULD BE REASONABLE TO ADOPT IN FORMING A LEGISLATIVE UNION OF THE TWO KINGDOMS OF GREAT BRITAIN AND IRELAND; WHICH WAS A MEASURE THAT WAS MUCH THE SUBJECT OF CONVERSATION IN THE YEARS 1797 AND 1798, AND WHICH WAS AFTERWARDS CARRIED INTO EXECUTION IN THE YEAR 1800.

*To the EDITOR of the OLD ENGLISHMAN and
ANTI-JACOBIN EXAMINER.*

SIR,

I HAVE read with great pleasure a pamphlet published at Dublin, and since republished at London, entitled, "*Arguments for and against an Union between Great-Britain and Ireland considered,*" in which the writer sets-forth the great advantages that would accrue to both kingdoms from such a measure in so full and clear a light, that I hope it will overcome the prejudices that have been hitherto entertained on both sides the Irish Channel against the measure, and will prove the means of inducing both kingdoms to adopt it. Seventy or eighty years ago, I believe, a proposal of this kind made by Great-Britain would have been cheerfully and thankfully acceded-to by the Irish Nation: but then the British Nation was too proud to offer it. And for these last twenty years, when Great Britain would probably have been willing to consent to it, the Irish Nation have been too proud to accept it. But now that a rebellion has been raised in Ireland upon the new French principles, or, rather, pretensions, of *Liberty and Equality*, that is, in truth, upon the

the principles of robbery and murder, or with a view to rob the established church of Ireland of its tithes and other property, and the nobility and gentry of their estates, and that a great part of the peasantry of Ireland has been seduced by Mr. Wolfe Tone, Mr. Napper Tandy, Mr. Archibald Rowan, and their other pretended patriots, to join in this rebellion, without even the pretence of a real grievance, and to invite the republicans of France, (the destroyers and plunderers of the *really free* countries of Holland, Brabant, and Switzerland,) to invade their country and assist them in their project of forming themselves into a republic similar to that of France; and the Parliament and Government of Ireland have found themselves unable to repress this rebellion, without the help of many thousand British troops;—it may be hoped that they will see the necessity of a closer and more intimate connection with Great-Britain, in order to prevent a return of the like dangers. Taking it therefore for granted that this wise, and indeed indispensable, measure of an Union between the two kingdoms will be thought reasonable on both sides the Irish Channel, I shall beg leave to mention some thoughts that have occurred to me concerning the terms of it.

In the first place then, as I ardently desire to see this great measure adopted, I would endeavour to make it palatable to the Irish nation by allowing them a very ample number of representatives in the British Parliament, to wit, fifty members in the House of Lords, and a hundred members in the House of Commons. Of the fifty members in the House of Lords, eleven should be Irish Bishops, which is half the whole number of archbishops and bishops in Ireland; and these should be the four arch-bishops and the bishops of the seven richest bishopricks in Ireland, which should be enumerated in the act of Union. But, if the bishops of the sees did not attend the Parliament on the

first

first day of any Session of Parliament, the other bishops, of sees not enumerated in the act of Union, might attend in their stead, and should be intitled to receive from the several bishops in whose stead they attended, the sum of 500 pounds to defray the expence of their attendance. The other 39 Irish Lords who should be admitted into the British House of Lords, should be such as were not already British peers, and should be elected by such Irish Lords as were not already British peers. And for the future no new peers should be created for Ireland only, any more than there have been new peers created for Scotland only since the Union of the two kingdoms in the year 1707; but all new peers should be peers of Great-Britain. As to the hundred members to be admitted into the British House of Commons, I should think it would be expedient to permit all the members for Counties to make a part of them, and to fill-up the remainder of the number from some of the most eminent cities and trading-towns in Ireland, such as Dublin, Cork, Belfast, Athlone, Londonderry, Armagh, Waterford, Limerick, Port-Arlington, Kingsale, Lisburne, Inniskillin, Galway, Athy, Kilkenny, Wicklow, and Dundalk. This method of composing the Irish members of the British House of Commons would in a great measure operate as a reform in the representation of that house, which is thought by many persons to be a matter of the greatest importance. For there are 34 Counties in Ireland, each of which sends two members to parliament; so that, if this method of composing this addition to the British House of Commons were to be adopted, we should have 68 new members of Counties in that Legislative assembly, which would go a great way towards effecting the improvement of its constitution suggested by the late much-admired Minister, the Earl of Chatham, who proposed that an hundred additional members for Counties should be admitted

ed into the British House of Commons, in order, as he expressed it, *to infuse new and wholesome blood*, that is, new life and independance into it, in opposition to the members for boroughs, who are supposed to be too often seekers of promotion and pecuniary emolument, and to have procured their seats in parliament with a view to advance their fortunes. This moderate plan of reform, suggested by the Earl of Chatham, has met with the approbation of many persons in England, who are firm friends to our present form of Government by a Limited Monarch with two houses of parliament, a house of Lords and a house of Commons, and are therefore determined enemies of French republicanism, and of all such violent plans of reforming Parliament as, by removing the foundations of our present system by too great an extension of the right of election, would naturally tend to introduce it. And this moderate reform would be in a great measure brought-about by the admission of the 68 members of the Irish Counties into the British House of Commons, and by the admission of the remaining 32 members of the hundred from elections made by the great cities and trading-towns of Ireland, instead of the several paltry, little, boroughs, totally dependent on some Lord, or rich Commoner, by which, (as I have always heard,) the members for boroughs in the Irish Parliament are now elected. As to the Lords and rich Commoners who have influence enough to nominate the members for the boroughs that, upon this plan, would be deprived of their right of election, I would propose that they and their voters should receive a sum of money from the publick treasury, either of Great-Britain or Ireland, in compensation of the loss of their privileges; just as the proprietors of certain hereditary Jurisdictions in Scotland, that were found to be prejudicial to the tranquillity of the kingdom, were bought-out of them with publick money

money after the Scotch rebellion about fifty years ago ; an event, Mr. Printer, that I well remember. I presume one million of pounds sterling would be sufficient for this purpose; and I should be glad to see it so employed, even though it was advanced out of the English treasury.

In the second place, I conceive it ought to be stipulated in the act of Union, if this beneficial measure shall be adopted, that all the debts of the kingdom of Ireland already contracted at the time of the Union, shall be paid, or provided-for, by taxes raised in Ireland, and all the debts of Great-Britain already contracted at the time of the Union, shall be paid, or provided-for, by taxes raised in Great-Britain; but that all debts to be contracted after the Union shall be considered as belonging to the whole united kingdom of Great-Britain and Ireland, and be paid, or provided-for, by taxes raised in both countries. This would be necessary to remove from the minds of the Irish nation the apprehension of being obliged to bear a part of the burthen of the enormous publick debt already incurred by Great-Britain.

In the third place I conceive that the tythes due to the Church of Ireland, and to other holders of them, ought to be continued and confirmed, and declared to be so in the act of Union, and not changed into any *modus decimandi*, or other payment to be substituted for them ; in which point I am sorry to differ from the author of the excellent pamphlet above-mentioned. But I have been satisfied from what is advanced in Dr. William Hales's *Observations on Tythes* (which have been reprinted in England a few years ago, and are now to be had at Mr. White's, the bookseller in Fleet Street,) "that no other payment can be made to the clergy in lieu of tythes, but what will be subject to greater inconveniences than are found to belong to the tythes, though these may sometimes be great." And, as to the objection often

made

made to the injustice of making the Irish peasants, who are mostly Roman-Catholicks, pay tythes to the Protestant Clergy, I beg leave to make an observation, which will at least diminish the weight of it, if not totally remove it. The burthen of paying tythes falls ultimately upon the owner of the land, and not upon the tenant or occupier of it, though the latter pays it to the rector: for, if the tythe were totally abolished, the owner of the land would immediately raise his rent upon the occupier, and make him pay an additional sum, at least equal to, and often much greater than, the tythe which he had before paid to the rector; and thus the poor Roman-Catholick occupier of land in Ireland would be no ways benefitted by the total abolition of the tythes. I have been assured that judicious farmers in England often prefer a tytheable farm to one of the same size and fertility that is tythe-free, because of the great addition of rent that is required for the latter, and which more than balances the tythe, or composition for tythe, usually paid to the rector for the former. Now it seems to be agreed that nine tenths of the Land in Ireland is the property of Protestants. Is it therefore unjust that the payment of tythes, which falls chiefly upon the Protestants, should be applied to the support of the teachers of their religion? If there is any injustice in the matter, it seems only to relate to the payment of tythes to the Protestant rector by a Roman Catholick occupier of such land as belongs to a Roman-Catholick owner, because in that case the Roman-Catholick land-owner contributes to the support of the Protestant religion, which he does not believe. But these cases happen but seldom, because of the small number of Roman-Catholick owners of Land in Ireland; and the like irregularity happens in every country where any particular religion is established, or its teachers are supported by any sort of payments appointed by Law; for these payments must be made by the few that do not believe

lieve the religion so established as well as by the many who do believe it; of which we have an example here in England, in the tythes paid by Roman Catholicks, and by Quakers and other Protestant dissenters, to the clergy of the church of England. But my letter is growing rather too long, and therefore I here conclude it.

I am,

Your most humble Servant,

AND CONSTANT READER.

F. M.

N.B. This Letter was sent to the Editor of *the Old-Eng-lishman and Anti-Jacobin Examiner*; but he did not think fit to publish it.

ON PERSONS IN HOLY ORDERS BEING INELIGIBLE TO
SERVE AS MEMBERS OF PARLIAMENT.

To the PRINTER of the PORCUPINE.

MR. EDITOR,

May 19, 1801.

I HAVE been somewhat surprized that in the late debates in the House of Commons on the supposed ineligibility of persons in holy orders to be chosen members of that House, the maintainers of this excluding and disfranchising opinion, have endeavoured to deduce it from the supposed Indelibility of the Priestly Character, as if it were impossible for a Priest to become a member of the House of Commons, without first totally renouncing the character and condition of a Priest or a Deacon, which, they say, cannot be renounced. How far it is possible to renounce the character and condition of a Priest or a Deacon, is a question of spiritual, or canonical, law which I will not pretend to determine. But this I will venture to assert, "that the character and condition of a Priest or a Deacon, though retained, is no legal bar to the exercise of many lay-employments, which are as different from the proper duties of a Priest, as that of representing the electors of a parliamentary borough in the House of Commons." Of this I will mention a few examples: Dr. Williams, bishop of Lincoln, was Lord-Chancellor of England, in the protestant reign of King James the First; Dr. Juxon, bishop of London, was Lord-Treasurer of England in the following reign of King Charles the First;

Dr.

Dr. Robinson, bishop of Bristol, was one of the three Ambassadors of Queen Anne at the treaty of Utrecht; the Reverend Mr. Frederick Harvey, now bishop of Londonderry in Ireland, and Earl of Bristol, was, for a great part of his life, and until he was made bishop of Derry, a clerk of the Privy Seal, and at this day he is permitted to sit in the House of Lords by virtue of his temporal peerage, as Earl of Bristol: and the Rev. Mr. Cholmondeley holds to this day the employment of Auditor-General of the King's Revenues arising in America; and hundreds of clergymen throughout England are justices of the peace, that is, criminal judges of great authority, which is surely an employment as different from the proper duties of the priestly character, as granting money to the Crown, or proposing good laws for the better government of the people, in the capacity of one of their representatives in Parliament. Farther, many persons in holy orders have been known to practice Physick as a profession; and amongst others, the famous Dr. Willis, to whom the nation has great obligations for his successful exertions in that capacity about 12 years ago; nay, some persons in holy orders have even held commissions in the army, of which one remarkable instance occurs to me at this moment; I mean that of the Rev. Dr. Walker, the rector or vicar of Londonderry, in Ireland, who so bravely defended that city at the head of his zealous protestant parishioners, in the year 1689, against a Popish army commanded by a French General, who besieged it in the name of King James the II^d, after he had abdicated the Crown and King William had been appointed his successor. This worthy clergyman, in consequence of the success of his noble exertions in the defence of Londonderry, was seized with a fit of military ardour, which made him desirous of obtaining a commission in the army; and he obtained one from King William, though the King is said to have advised him, at the same time, with his usual good sense and sound judgement,

judgement, to decline any farther connection with the army, and return to the exercise of his former peaceable profession. But, as the Doctor did not think proper to follow this good advice, the King gratified him by giving him a commission in the army; and he was killed, if I remember right, the next year at the famous battle of the Boyne. Now, if clergymen may exercise all these lay-employments without renouncing the office, or character, of a Priest, surely they may likewise accept the occasional and temporary employment of representing a set of burgesses in the House of Commons, during a single Parliament, without renouncing that character. If, therefore, they are at present legally incapable of representing a County, or a Borough, in Parliament, their Incapacity must arise from something different from the supposed Indelibility of the character of a Priest; as, for example, from their being represented in the Convocation of the Clergy, or some such reason. But, in truth, I think that all the reasons, that have hitherto been alleged in proof of their incapacity to be elected members of the House of Commons are frivolous and insufficient, and consequently that they are at present legally capable of being so elected. However, I confess, it might be inexpedient to permit clergymen that were possessed of Benefices with cure of souls, and, perhaps, even clergymen that were Prebendaries of Cathedral churches, or who possessed any other clerical preferments, to have seats in the House of Commons; as it might tend to give a wrong bias to the studies and pursuits of clergymen, and thereby render them less respectable in the eyes of the people, and consequently less useful in the line of their sacred profession. And, therefore, though I do not think that, as the law now stands, even clergymen so circumstanced are incapable of sitting in the House of Commons, yet it might, perhaps, be prudent to pass an act of Parliament to exclude them from the House of Commons; and also to render them incapable of receiving any Benefice, or Prebend, or other church-preferment, while

they were in the House of Commons, and for a certain time (as for example, six years) after they had been members of it, if they had been admitted into holy orders before they had been chosen members of that House, and then had quitted their Preferments, or Employments, in the church in order to qualify themselves to become members of the House. This incapacity of their receiving any church-preferment while they were members, and for a certain time after they had ceased to be members, of the House, might be useful in preventing services done to Ministers of State, by supporting their measures in Parliament, from becoming a channel of preferment to Bishopricks, or other great stations in the church, which ought in general to be bestowed on those clergymen who distinguish themselves by a faithful and diligent discharge of the pastoral duties of their venerable profession. But to disfranchise a whole body of twelve, or fifteen, thousand men from becoming the representatives of their countrymen in Parliament, and to deprive the electors of members of Parliament of the liberty of chusing their representatives out of so numerous a body of well-educated, intelligent, men, whose merits may be known to them by their residence among them, and the services they have received from them, without such circumstances as those above-mentioned, (which may be thought to render such a measure necessary), seems to be too harsh and vague a method of proceeding, and not agreeable to the Caution and Tendernefs that are usually exhibited by the British Parliament in modifying, or restraining, the rights of their fellow-subjects.

I remain your most humble servant,

A CONSTANT READER.

F. M.

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ON THE RIGHT OF SEARCHING NEUTRAL VESSELS, IN ORDER TO DISCOVER AND SEIZE-ON ANY PROPERTY BELONGING TO AN ENEMY, THAT MAY BE ON BOARD THEM.

To the PRINTER of the PORCUPINE.

[THE following communication was sent us soon after the appearance of SULPICIUS'S LETTERS. At that time, it was thought not altogether unexceptionable, on the score of prudence, to publish it, as it might have awakened doubts where none already existed. The reader will perceive, that it was intended to excite SULPICIUS to inquire more fully into this part of the subject, of which he had so ably treated. Since the question has undergone so ample a discussion, both in and out of Parliament, our Correspondent informs us, that he has very little doubt remaining; yet he wishes the matter to be placed beyond the possibility of doubt, and therefore requests, that his article may be published, in the hope, that it may draw-forth from SULPICIUS, or some other writer, a full, clear, and satisfactory reply.]

SIR,

June 2, 1801.

I think the Publick is much obliged to your very able correspondent, who signs himself *Sulpicius*, for his information on the subject of the armed Neutrality of the Northern Powers lately entered-into, to the evident prejudice of Great Britain. And in most of the propositions he has laid-down in his excellent Letters, I entirely agree with him, for the reasons which he has alleged. He has well proved, in my opinion, that, as the Law of Nations now stands, where it

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is not controled by some particular treaty, the British cruisers have a right to seize French property on board neutral vessels, and likewise to seize goods that are neutral property on board neutral vessels, if the said goods are *contraband of war*, that is, military stores, such as implements of war, salt-petre, sulphur, and other such materials, immediately applicable to warlike purposes, and perhaps, *naval stores, fit for the equipment of ships of war*; though, as to this last article, there seems to be some room for doubt. And, as a necessary consequence of this right of seizure, without which the said right would be nugatory and useless, our cruisers must have a right to visit, and, in some cases, to search, the neutral vessels they fall-in-with on the high seas, in order to discover whether they have, or have not, any property liable to seizure. But, as to the manner of exercising this right, a doubt has occurred to me, which I wish your correspondent *Sulpicius* would clear-up. For, from some weighty arguments alleged in Professor *Schlegel's* tract on this subject, and from two of the treaties alleged in the Appendix to *Sulpicius's* own Letters in support of his doctrines, it appears to me that this right of visiting and searching is appointed by the general law and practice of maritime nations on this subject, to be performed in the following manner. The British armed vessel has a right to stop the neutral merchant-ship, and to send a boat with the Captain of the armed vessel, or his Lieutenant, and a Secretary, or Clerk, to write-down what shall be necessary to record the transaction, and at most, one person more, that is, three persons in all, besides the sailors necessary to the rowing of the boat, to visit the neutral vessel; the British cruiser being all the while at such a distance from the neutral ship that its cannon-shot could not reach her, to the end that no undue terror may influence the crew of the neutral ship. These two, or three, persons; must be admitted on
board

board the merchant-vessel, and must require the Captain of it to produce a passport from the King of the Country to which the neutral vessel belongs, (as, for example, the King of Denmark), testifying, "That the owners of the neutral vessel have declared upon oath, before his custom-house officers at the port from which the ship sailed, that they and other subjects of the said king are the sole owners of all the property put on board the said ship, and that the ship is bound to such a particular port, to which she has a right to trade," and he must likewise produce a certificate from the chief magistrates of the port from which the ship sailed, declaring, "That the owners of the ship had made oath, that the ship, and all the merchandize on board it, belonged to them and other persons, subjects of the same king, and not to either of the powers now at war, or to any of the subjects of either of the said powers, and that none of the goods on board it were prohibited goods;" and when this passport and certificate have been produced to the three persons appointed to visit the ship, they are bound to rest satisfied of the ship's having no seizable property on board, and they have no right to break-open any chests, or open any bales of goods, or further inquire into the lading of the ship, in order to discover whether the declarations of the passport and certificate are true or not; and the merchant-ship must be permitted to pursue its voyage unmolested. But, if no such passport and certificate are produced, I presume the cruisers may exercise their right of searching for contraband goods, according to their own discretion; and, likewise, if they suspect some of the goods to be enemies' property, they may detain the ship and carry her into a British port upon suspicion, in order to have that matter deliberately inquired-into and ascertained. This seems to be the regular manner of proceeding, authorized by the general law and practice of civilized maritime nations, with respect to neutral merchant-ships not escorted by ships of war.

But, when the merchant-ships are escorted by a ship of war, the mode of proceeding seems to be less certainly determined, either by practice or written documents recognizing it, such as Treaties of Commerce, Marine Ordinances, or Instructions of Governments to the Captains of their ships of war; yet, upon the whole, we may collect it to be as follows. The British ships of war that meet with a fleet of neutral merchant-ships, escorted by a ship of war, ought to apply to the Commander of the ship of war to know their destination, and the nature of the goods that are on board them, instead of sending a boat with two or three persons to visit each of the merchant-ships, and inspect their passports and certificates, or other public papers: and, if the said Commander declares, "That the ships and their cargoes are entirely the property of the subjects of his sovereign, and that none of the goods are contraband, and that the proper declarations upon oath upon this subject have been made by the shippers of the goods before the magistrates, or custom-house officers, of the port in which the vessels were laden;" this Declaration of the Commander of the ship of war that escorts them ought to be received as sufficient testimony of the ships and their cargoes being neutral, and not liable to seizure, and the said merchant-ships ought to be permitted to pursue their voyage without further molestation. This, at least, is the method of proceeding prescribed for this case by the only treaty, if I recollect right, that makes mention of this case amongst all the treaties relating to this question that have been produced, either by Professor *Schlegel*, or *Sulpicius*. And it seems to be confirmed in practice by the resistance made by Captain *Dedel*, a Dutch captain of a man of war, in the year 1762, to an attempt made by an English ship, or ships of war, to visit some Dutch merchant-ships, which he was directed by the Dutch Admiralty to escort; and by the approbation bestowed on him by the Dutch Admiralty for having made such resistance: and likewise by the

the conduct of the brave *Earl of St. Vincent*, in the present war (as stated by Professor *Schlegel*,) in releasing a neutral merchant-vessel, (that had been taken by one of his cruisers, as suspected of having enemy's goods, or contraband goods, on board, when the Commander of a ship of war of the same nation came-up a little while after, accompanied by a large fleet of merchant-ships of the same nation, that he was appointed to escort, and testified to the Earl of St. Vincent, that the ship which his cruisers had taken had made a part of this fleet, and had strayed from it by some accident, that had made her be considered by their captors as a single vessel and not intitled to his protection. The instant release of this vessel by *Lord St. Vincent*, with an apology for the capture, as having been owing to a mistake, is surely a pretty good proof, that such is the privilege of merchant-ships, escorted by ships of war, according to the opinions of sea-officers of the greatest Reputation and Experience. This privilege may certainly be abused, and may occasion some inconveniences to the belligerent nations: and so may every regulation made for the conduct of human affairs. But it must be remembered that we are not now inquiring "what the law of nations *ought to be* in such a case," (which would, indeed, be a most arduous and difficult question,) but "what it *is*." And, as Great Britain has, throughout this war of necessity and self-defence, (which she did not seek, or make, but suffered, or received, from the insolence of the French National Convention, in February, 1793, when governed by the mischievous counsels of Monsieur Brissot,) conducted herself with great moderation and regard to justice, notwithstanding the numerous charges of a contrary spirit brought against her by the declaimers of France, I should be glad to see her persevered in the same temperate and honourable conduct to the the of the contest, and, for that purpose, avoid any attempt to make

a new

a new Law of Nations on this subject, and content herself with an adherence to that Law, (*such as it now is*, by the confession of *Mr. Jefferson* himself, and other persons by no means partial to Great-Britain,) with vigour and spirit, in opposition to the wild and capricious resolutions of the variable Emperour of Russia. And that our Government and the nation may be truly informed "what is the present Law of Nations in this case, of neutral merchant-ships escorted by a ship of war," I hope *Sulpicius* will sift the matter to the bottom, and give us another Letter that will clear it up to general satisfaction.

I am your humble servant,

ARISTIDES.

F. M.

ON THE SLAVE-TRADE.

To the EDITOR of the BRITISH PRESS.

SIR,

April 3, 1805.

IT is a very important and striking truth, worthy the serious consideration of all those who doubt the enormous wickedness of West-Indian Slavery, that its most respectable champions, and even those among them who, by an affectation of candour, have made the most powerful impression on the publick mind, have been obliged to resort to gross misrepresentations of the facts upon which they reason. Sometimes, in order to deprive of our sympathy the wretched victims of colonial despotism, fallacious representations have been wilfully given of their conduct and character; at other times, in order to draw a veil over their sufferings and wrongs, advantage has been taken of the ignorance of the European Publick respecting West-Indian affairs, by disclosing just so much of a particular fact, as would furnish a basis for an inference opposite to the truth, and invidiously suppressing the rest.

Of this practice, Mr. Brougham, in his able work, entitled, *An Inquiry into the Colonial Policy of the European Powers*, has given some examples in writers of the first reputation among the Apologists of the West-Indian system.

The cart-whip is the planter's ordinary instrument, both of coercion and punishment. When used for the former purpose by the driver in the field, it is generally applied to the poor labourers in their working posture, without stopping to strip them of the clothes by which their backs may
 happen

happen to be defended. The effect is sufficiently severe, yet not so much so as commonly to leave permanent marks on the body. But when a punishment is to be deliberately inflicted, the patient is stretched upon the ground, with his limbs extended, and the cart-whip, (which, in the hands of an expert driver, is a most merciless instrument of torture,) is vertically applied, with all his force, and with an iteration sometimes extending to an hundred lashes, upon that fleshy part of the naked frame, which alone can receive such extreme discipline, without great danger to life. Not only is the scarf-skin peeled-off by every contact of the lash, but deep incisions are made, which often leave lasting scars of shocking appearance: from these scars very few field-negroes are wholly exempt.

This general and notorious fact having been noticed by the Abolitionists, in the first discussion on the Slave-trade, but without a distinct specification, as it would seem, of the part of the body which bore these badges of cruelty, a tour to the Windward Islands was written by one West-Indian planter of great eminence (Sir William Young), and published in a well-known work of another, (History of the West-Indies, by Mr. Bryan Edwards), in which the following passage appears: "I particularly noticed every negro whom I met, or overtook, on the road; of those, I counted eleven who were dressed as field-negroes, with only trowsers on, and, adverting to the evidence on the Slave-trade, I particularly remarked that not one of the eleven had a single mark, or scar, of the whip, &c.—Never passing a slave, without observing his back, either in the field, or on the road, or wench washing in the river, I have not seen one back marked, besides that of the woman observed on Mr. G.'s estate, &c."

Sir William Young's object in bringing-forward this statement is obviously to discredit the accounts which have been

been given of the severity of West-Indian bondage: He is himself owner of several plantations, and therefore must have had ample means of ascertaining the real state of the case. But such is the unfairness of the impression which his account is calculated to produce,—an unfairness which could not escape the notice of any man having the slightest acquaintance with West-Indian affairs,—that Mr. Edwards thought himself bound, (from regard, it is to be presumed, to his own character for veracity,) to subjoin to the passage the following note: “In the West-Indies the punishment of whipping is commonly inflicted, not on the backs of the negroes, as *practised in the discipline of the British soldiers*, but, more humanely and with much less danger, on the *partes posteriores*. It is therefore no proof that the negroes whom Sir William Young inspected had escaped flagellation, because their shoulders bore no impression of the whip. This acknowledgment I owe to truth and candour.”

The *candid* annotator well knew that, if the just and necessary sentence of a court-martial were to be executed by the same instrument, and to the same extent, as the arbitrary and, often, capricious mandate of a West-Indian overseer, the back could not be the seat of punishment without certain death to the sufferer.

But of the *candour* of Mr. Edwards, as an historian, in what regards this hapless race, Mr. Brougham has furnished ample illustration; and one instance of it well deserves to be noticed. A Mr. Gallifer, a planter of St. Domingo, was celebrated for his mild treatment of his slaves; and the consequence of his lenity was, that they increased in numbers very rapidly; but, about the year 1773, this gentleman died, and the negroes found a new master of an opposite character, who treated them so badly, that their numbers, instead of increasing as before, continually declined. These facts were published by Mr. Clarkson, in 1788, in
his

his *Essay on the Impolicy of the Slave-trade*; and as that period was three years anterior to the Revolution in St. Domingo, of course there could be no room for suspicion, that, with a view to the events of that Revolution, Mr. Clarkson could have devised or misrepresented the fact of the reverse of treatment upon Gallifer's estate, which had taken place fifteen years before he wrote; yet Mr. Edwards, in his *History of St. Domingo*, for the purpose of supporting an absurd and mischievous calumny on the oppressed African race (the charge of their being wholly destitute of the natural sentiment of gratitude), has inserted the former part of Mr. Clarkson's anecdote, but *wholly suppressed the death of Mr. Gallifer, and the change of treatment by the new master*, and has then given a shocking account of the excesses committed in the insurrection by the negroes of this estate; as if the peculiar indulgence and kind treatment of their owner had produced the effect of making them more ferocious than the rest of the insurgents.

Of such misrepresentation, if wilful, for such a purpose, it would be difficult to speak with the reprehension it deserves; and yet, as Mr. Brougham observes, the mutilation of the case could not be accidental. It would be difficult, indeed, to believe, that so industrious an advocate as Mr. Edwards had not read the work of so distinguished an opponent as Mr. Clarkson, whose very words too he in part uses upon this occasion. Besides, Mr. Edwards had been at Cape François, in the near neighbourhood of this estate, during the insurrection; and he tells us, with Mr. Clarkson, that the name of Mr. Gallifer had been proverbial for his humanity—"As happy as Gallifer's negroes:" it could hardly have escaped his notice, that so remarkable a character, who had been dead near twenty years, was not living at that interesting period. And even were it possible to acquit this writer of wilful misrepresentation in this case

case, his rashness, in confidently asserting so extraordinary an instance of depravity in direct opposition to the truth of the case, must be fatal to his credit as an historian.

It is painful to make such observations on a writer now no more; but Mr. Edwards, under the mask of an affected candour and moderation, has done more to mislead the publick mind, at the expence of truth, and of the oppressed African race, than all the other advocates of the Slave-System united: and we must not suffer the cause of millions now living, and myriads yet unborn, to be prejudiced by false tendernefs to the memory of the dead.

Your's,

AN ABOLITIONIST.

ON THE SLAVE-TRADE.

To the EDITOR of the BRITISH PRESS.

SIR,

April 8, 1805.

THE advocates for the continuance of the African Slave-Trade, in the dearth of sound argument for the support of their cause, have frequently had the effrontery to make their appeal to the Holy Scriptures. The Scriptures undoubtedly record the existence of Slavery in ancient times; but surely it would be a very unfair inference from this admission, that the Scriptures, therefore, sanction that traffick in men which is carried-on by British subjects from the Coast of Africa, for the supply of labourers in the West-Indian Islands. If such a principle of interpretation were admitted, to what absurd consequences would it not lead! The Scriptures record the fratricide of Cain, the drunkenness of Noah, and the polygamy of David; but would it be just reasoning to infer, that either murder, or sensuality and profligacy, were sanctioned by the word of God? As just, at least, as that deduced by the modern Man-Merchant from the sale of Joseph to the Midianites, or from the existence of bondage in the Patriarchal ages, in favour of his horrid traffick.

But let it be granted, for the sake of argument, that the Slavery mentioned in Scripture was sanctioned by Divine authority. Will this concession affect the question at issue, or establish the lawfulness of the African Slave-Trade? By no means. But, before I enter upon the discussion of this subject, it will be proper to premise, that the cause for which I plead has suffered materially from the ambiguity of the

term

term *Slavery*. This vague and undefined term is applied to conditions of Society differing very widely in almost every essential particular. We speak of our becoming *slaves*, if a Minister do but suspend the Habeas Corpus Act. The French are called *Slaves*, because they do not enjoy the same degree of political liberty with which Providence has blessed this Island. The domestick servitude of Africa (which probably bears a close resemblance to Patriarchal bondage) is termed *Slavery*, and the subjects of it *Slaves*. Some other name, therefore, ought to be invented to express West-Indian bondage; for, by means of the association of Ideas which is produced by this intercommunity of appellation, especially in the minds of persons who have had no opportunity of fully investigating the subject, the African Slave-trade, together with that system which it feeds and perpetuates in the West-Indies, is confounded with states of servitude so very mitigated as to excite no horror; and is thus relieved from a great part of its shade.

The system of Slavery which prevails in our West-Indian colonies we believe to stand alone in the history of the world. It is not only (as Mr. Pitt affirmed in 1792) the greatest practical evil which has ever afflicted the human race; but it is an evil *sui generis*, so radically and essentially different from every other which happens to have the same name attached to it, as scarcely to form a fair ground of analogical reasoning. But let us consider this point more attentively.

The miseries entailed on Africa by the Slave-Trade are already sufficiently known to the Publick; I need not, therefore, dwell at present on that part of the subject. Let us follow the Slaves in the middle passage. There, if we may credit the Man-Merchant, the utmost exertions of his humanity and beneficence are employed to promote the ease and comfort of his African passengers. But even there we shall

shall be constrained to confess that his tender mercies are cruel.

In the year 1791 (three years after the passing of the *Slave-carrying Act*, which is admitted by the Man-Merchants themselves to have very greatly lessened the mortality on board of slave-ships), of 15,754 slaves carried from the coast of Africa, 1,378 died during the middle passage, the average length of which was fifty-one days; making a mortality of $8\frac{1}{2}$ per cent. in that time, or of $62\frac{1}{2}$ per cent. *per annum*: a rate of mortality which would unpeople the Earth in a year and seven months.

The amount of the mortality in 1792 was, however, still more enormous. Of 31,554 slaves carried from Africa, no fewer than 5,413 died on the passage, making somewhat more than 17 per cent. in fifty-one days. Had the voyage been prolonged, and the slaves continued to die in the same proportion, the whole number would have been completely swept-away in about ten months*.

I would now ask, whether it be fair, whether it be allowable, to dignify a practice so pregnant with misery and murder, with the name of *commerce*? Surely this cannot long be endured by a British Parliament. If it is to be tolerated, let us at least have some specious pretext for the indulgence: let there be, at least, one practice pointed-out, either in ancient or modern story, which will bear to be compared for one moment with this abominable traffick; otherwise we ought no longer to be imposed-upon by the hardy assumption of its *antiquity* and *universality*.

But the horrors of the middle passage are at length terminated. The slaves are landed in the West-Indies; exposed like cattle in a Fair; spanned and gauged with as little ceremony as is observed by a carcase-butcher in Smithfield; and, having been purchased by some planter,

* See accounts laid on the table of the House of Lords, in 1799.
are

are led to his estate. What is, then, the situation of such of them as survive the seasoning? They are the absolute property of their purchaser, vendible by him precisely in the same manner as the horse which turns his sugar-mill, and, if direct privation of life and limb be excepted, equally subject to his discretion as to the quantity of labour to be exacted, the proportion of food to be allowed, and the discipline or punishment to be inflicted.

During the hours of labour, they are *driven*, like a team of oxen or horses, by the cart-whip; and *this compulsion of labour, by the physical impulse, or present terror of the whip, is universal with respect to such slaves as are engaged in cultivating our islands.* As to civil rights, or any political existence, they stand on a level with the brute. Immoderate cruelty to a slave is punishable as a nuisance, in the same way as immoderate cruelty to cattle; but then, it is always difficult, and generally impossible, to obtain proof of the fact; for (let it not be forgotten) the evidence of a slave, or of a thousand slaves, did they all testify the same thing, would not be available in the smallest degree to the conviction of one who is free. This, then, is the state of bondage to which not only the imported Africans themselves, but their children, and their children's children, for ever and for ever, are inevitably consigned: and I defy any one to shew, not only that a single circumstance in this picture is exaggerated, but that it is not a matter of as universal notoriety in the West Indies, whatever it may be in Europe, as the existence of slavery at all. I do not mean, indeed, to affirm, that this system is not as humanely administered by some West-Indian planters, as its nature will admit. But still such is the system which they have to administer.

Let it be remarked, however, that there is one circumstance in the lot of West-Indian Slaves which renders it

even worse than that of brutes ; they not only feel the present pain, but they can remember the past, they can anticipate the future, they can discourse, they can contrive, they can execute, they can distinguish between right and wrong ; they have had the insolence, at times, to exercise this faculty ; nay, they have even dared to prefer a claim to the possession of humanity, by expressing a sense of injury and injustice, and by shewing that they can resent it. Hence it is, that, while in this country, we see men take pleasure in raising their horses and dogs to a participation of their own enjoyments, and to a place, as it were, in their friendship and society ; the slave in the West-Indies is degraded and thrust-down to the very earth, left, looking upwards, some untoward accident should discover to him that he is a man, possessed of the same common nature with his master, and equally entitled with him to feel, and to repel insult, and injury, and torture.

Now, I do not hesitate to challenge all the advocates of the Slave-Trade to point-out, in *ancient* times, any state or condition of life, which bears the most remote resemblance to the West-Indian system ; viewed in all its parts, from its commencement in Africa, to its completion in the West-Indies. Nay, so far is it from having any claim to *antiquity*, that I take it upon myself to aver that this system, as now constituted, is entirely a modern invention. It took its rise in the Antilles, about 220 years ago ; and from that time it has been gradually augmenting, until by the accumulating waste of the British capital and African blood, it has acquired its present hideous form and gigantick dimensions.

Still, however, it may be pertinaciously argued that *slavery* is *slavery*, and that no doubt can be entertained of the existence of such a state of society among the Israelites. The bondage, however, which prevailed among the Israel-

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ites will not be said, by the most hardy vindicator of the modern Man-Merchant, to have been worse than that to which the children of Israel themselves had been subjected in Egypt. Of that state they always spoke as a state of the most intolerable oppression. In comparison of it, every other servitude was light. Their deliverance from it, as typical of another and greater deliverance, was called, by way of eminence, their redemption. So powerful was their impression of the horrors of this state, that the *iron furnace*, *the furnace of affliction*, and similar expressions, seem inadequate to express their conceptions of it; and Egypt, the land of their captivity, is emphatically termed the *house of bondage*: and it is by the recollection of their suffering in that country, that the Almighty enforced upon them the injunction to be kind to the strangers that dwelt among them.

Yet what, after all, was the nature of this Egyptian bondage? Was its dreadful severity such as to diminish the number of slaves, and to require fresh importations to fill-up the void which was caused by excessive labour, harsh treatment, and scanty food? By no means. They multiplied so rapidly as to become an object of terror to their oppressors from their very increase. Had their labours no known measure or limit, or, was it forced from them at the caprice of an overseer or driver, by the compelling power of the cart-whip? No such thing. It was the subject of specifick and uniform regulation: tasks were appointed: the tale of bricks was previously named. And, as to food, the flesh-pots of Egypt had become proverbial among them.

Having now, as I conceive, incontrovertibly established the radical difference between any slavery which could have existed among the Israelites, and that which now exists in the West-Indies, I have at least demolished every

thing like argument in favour of the *Scriptural sanction* of the African Slave-Trade. I would, therefore, entreat those well-meaning men in this country, who, from unacquaintance with the real state of things in the West-Indies, have too readily conceded that the system of West-Indian bondage has any countenance in Scripture, to retract that concession; and to be no longer imposed-upon by the mere similarity of a name, when the things are in their nature so essentially distinct. And let not the Man-Merchants, nor their advocates, any longer insult the common sense, to say nothing of the religion, of their country, by arguments so absurd and impious.

It will scarcely be expected that, after this confutation of the argument deduced from Scripture in favour of the Slave-trade, I should think it necessary to prove the contrariety of those practices to which this trade gives birth, as well as of the principles on which it is founded, to the whole tenor and scope both of the Old and of the New Testament. That the spirit of the Christian religion stands opposed to the slave-trade is too obvious to require proof; I shall, therefore, content myself with having rectified the misconceptions which have arisen on this subject from the ambiguous use of the term *slavery*, and with quoting two or three passages of Scripture, which seem to have a pretty decisive bearing on the question.

“Therefore all things whatsoever ye would that men should do to you, do ye even so to them; for this is the law and the prophets.”

“The law is made for the lawless and disobedient; for men-stealers.”

“And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death.”

Your's, &c.

AN ABOLITIONIST.

FURTHER REFLECTIONS ON NEGRO-SLAVERY.

THE two preceeding Letters concerning the state of the Negro-slaves in the West-Indies (of which I do not know who are the authors,) seem to convey a clear and distinct account of the very harsh and dreadful punishments which are sometimes inflicted on them by cruel masters, or by the overseers entrusted with the management of them by masters of a different character. But these great abuses of power over them we may reasonably suppose to be not very frequent; and it is almost certain that, now that (by the late act of Parliament for abolishing the Slave-trade,) the West-India planters will be deprived of the means of purchasing new Slaves from Africa, the treatment of their present Slaves will be much milder and more careful than before. For it will now be the interest of their masters not to over-work their Slaves, but to require from them only such a moderate degree of labour as will contribute to keep them in health and vigour for many years to come, and enable them to raise families of children to assist them in their service to their masters, and supply their places when they die. And for this purpose, the excellent institution of marriage, or some similar and nearly equivalent union between the male and female Slaves, (by allotting one woman to one man, to the exclusion of promiscuous concubinage,) and with a great diminution of the labour of the female Slaves during their pregnancy, will, no doubt, be established in most of the plantations, together with separate habitations for every married couple, with proper accommodations for rearing their children. And, when these changes in the condition of the Negro-Slaves in the West-Indies shall be effected, (which seem to me to be almost necessary

consequences of the Abolition of the Slave-Trade,) they will be so much happier than they had been before, that they will almost cease to be objects of compassion; though it will be still to be wished that they may, in some future period, and by gradual emancipations of them, by their Masters, as rewards of their good behaviour and long and faithful services, be advanced to the still better condition of British freemen. This, however, cannot be done suddenly, without throwing those Colonies into general confusion; as has been the case in the rich and populous French Colony of Saint Domingo, in consequence of a wild, unjust, and, we may venture to say, *mad* Decree passed by the first French National Assembly, called *the Constituent Assembly*, which ordered all the slaves in it to be immediately considered as freemen. But this was a measure which Mr. Wilberforce, and the late Mr. Charles Fox, and Lord Grenville, and the other members of Parliament, who have for so many years contended for the abolition of the Slave-trade, and have at length succeeded in their noble attempt, always declared to be no part of their plan; nor, as I believe, did any of the friends to the Abolition of the Slave-Trade, out of Parliament as well as in it, throughout the whole Kingdom of Great-Britain, ever wish to see so unjust and dangerous a project undertaken. It was a measure fit only to be adopted by the wild and wrong-headed enthusiasts of the National Assembly of France, who, under the mildest and most beneficent of all their kings, the virtuous Lewis the XVIth. (who had already granted to them in the Royal Session of the 23d of June, 1789, three weeks before the taking of the Bastille, all the concessions and privileges essential to the permanent establishment of liberty amongst them, which had ever been wished-for by their most zealous and intelligent patriots,) thought fit to overturn the antient, and well-established Monarchy under which they and their
ancestors

ancestors had lived, and under which they had, but a few years before, been uncommonly successful in the war they had carried-on against England in support of the revolted English Colonies in North-America. Such a Nation only as France was at that time, under the dominion of a sort of general frenzy that seemed then to have seized them, could think of adopting so extravagant and ruinous a measure. The emancipation of the Negro-Slaves that are now in the English West-Indian Colonies must, therefore, be brought-about by gentle degrees, and with the consent, or, rather, by the single and separate acts, of their several masters. And the best method of effecting this further happy change in their condition that I have any where met-with, is that which is described by Lieutenant *John Harriott*, in the 36th chapter of his curious and valuable History of his own Life and Adventures, published in two small volumes in duodecimo, in the year 1807, under the title of *Struggles through Life*, which I have read with great pleasure, and believe to be a very fair and faithful narrative of the several adventures and undertakings in which he has been engaged, and in which he has exhibited great proofs of Courage, Industry, sound Judgement, Benevolence, and Publick spirit, and has given excellent advice to prevent English farmers from leaving Old-England to go to North-America, and settle there as Land-owners, in the hopes of being soon possessed of some hundreds of acres of good land, brought into good cultivation; which hopes, he well observes, will, most probably, be grievously disappointed. What he has said upon this subject brought to my recollection the following query of Doctor *Berkley*, the famous Bishop of *Cloyne*, in the former half of the last Century. Query, "whether it is not possible that a man may be lawful owner, in possession, of a tract of land containing twenty thousand acres, and the land very good and capable of producing

very good crops of corn, or other useful vegetables; and his title to the land be quite clear and undisputed to him and his heirs for ever; and the land clear of all mortgages, or rent-charges, or other burthens, or outgoings, whatsoever; and yet that the said man, though so great a land-holder, may be in want of a dinner." The Bishop had spent a few years in North-America; and there, I conjecture, this query came into his head.—But to return to the subject of the emancipation of the Negro-Slaves in the West-Indies, the suggestions of Mr. Harriott for the gradual attainment of this important change in their condition, contained in the said 36th chapter of his useful and entertaining work, are so judicious, and so well-described, that I shall here present my readers with the whole of that chapter in the author's own words.

F. M.

From LIEUTENANT JOHN HARRIOTT'S "*Struggles through Life*," vol. II. pages 232 to 248.

" CHAPTER XXXVI.

" *Slavery in North America, in Turkey, Barbary, the European States, up the Mediterranean, and in the East and West Indies; Observation on Slavery; Hints for a gradual Emancipation.*

" IN some parts of my account of America, my objections to any thing that seemed to countenance slavery are cursorily mentioned; and yet I afterwards acknowledge to have purchased some slaves. I wish to remove any appearance of inconsistency on this head, and know not how I can do it better than by giving my opinion on the long-contested point for the abolition of slavery. It is an opinion I gave, some years back, to a much-valued friend, who requested

quested it when the subject was so generally agitated and claimed the publick attention. It is true, since that time, I have myself purchased slaves ; yet have I never changed my opinion, but remain more and more confirmed in it.

“ Having seen Slavery in a variety of shapes, in different parts of the world, not to have considered it would reflect on my humanity : I have often, very often, and with sensations that varied as the time and circumstances occurred ; and I believe the surest, shortest, and clearest, way of delivering my thoughts on the subject, will be by sketching an outline of the kinds of Slavery that have fallen within my notice. In the general acceptation of the term *Slavery* there is not, cannot be, a more sincere well-wisher for a proper abolition than myself. How that is best to be carried into execution, so as to produce the greatest good and occasion the least evil, deserves serious consideration.

“ In North-America, taking those parts to the northward and eastward of Pennsylvania, the Slaves are much happier from being better fed, cloathed, and taken care of, than they would be if left entirely to their own liberty ; I am an advocate, however, for restoring them to their natural rights. To enfranchise the whole immediately would not be the best possible good for them. What has already been done (in bringing them, or their ancestors, from Africa, to make them Slaves) cannot be undone ; but a continuance of the horrid traffick is unjust and wrong in the extreme.

“ In Turkey and Barbary there are two (or more) kinds of Slaves : those who are bought, and the Europeans who are made prisoners of war. The first we may class with the negroes in America and the West-Indies, while the latter are to be pitied the most of any description of slaves I have seen. Dreadful, indeed ! is the situation of these unhappy mortals, compared with whom the slaves in our plantations are freemen. And here we may lament that we have
not

not the power to interfere respecting a quick abolition of their Slavery.

“It is unnecessary to notice all the similar kinds of Slavery seen in different countries; I shall select those only that appeared to me to differ from the rest. In all the European States up the Mediterranean, they have Slaves who have been condemned as such on account of crimes. The justice or injustice of their sentences is no part of the present inquiry; but, admitting they were fairly tried and convicted, I hesitate not to say, I think it much more justifiable to deprive them of their liberty than to take away their lives, let the crime they have committed be what it may. Of course I am no advocate for abolishing this kind of Slavery; yet it requires numerous regulations to make it answer the intended purposes of *punishment, repentance, reformation, and example.*

“In the East-Indies Slavery assumes a milder aspect, Slaves being chiefly bought and kept for domestick uses. The native poor, with large families, in times of scarcity, think they cannot do better than to dispose of their children either to the opulent natives or Europeans; and, being sold when young, they become strongly attached to their masters or mistresses, from whom they receive every thing, even to superfluities; so that to enfranchise them, and turn them adrift to get their own livelihood, would be a punishment in nine cases out of ten.

“One matter of fact is worth a dozen suppositions. I had a boy sent me from Bengal to Masulipatam, when about eight years old, as a present. My friend, who sent him, wrote me word it was an act of charity: for the mother had been some time importuning him to take the boy for a slave; and, on mentioning his intention to send the boy such a distance, she was perfectly satisfied when informed it was to an English Officer of his acquaintance. The boy continued

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with me for some years. When about to leave India, I offered him his liberty, and to send him back to Bengal. On the first mention of the circumstance, he threw himself at my feet, as I sat; and, lifting one of them up with his hands, placed it on his head upon the ground, and desired me to kill him rather than turn him away. I accordingly kept him until we arrived at St. Helena, where I made some stay; and it became a serious consideration upon learning that there had lately been great disturbances in England by the emancipation of such numbers, who, thus freed from servitude and restraint, were swarming about the streets of London, distressed to the greatest degree. This determined me; I gave him his choice, to go-back to Bengal *free*, or to be placed with some worthy family at St. Helena. Finding me resolved not to take him to England, and noticing how happily they lived in the island, he preferred being turned-over to a master and mistress who would take care of him, to having his liberty and returning to his native country; and I am satisfied he made the wiser choice.

“The Malay slaves, that I observed on the coast of Sumatra, both in the Dutch and English settlements, differ so little from those in the other settlements in the East Indies, that it is unnecessary to say more concerning them, than that their Slavery frequently originates in an extravagant spirit of gaming, which induces the father, when he has nothing else to stake, to gamble-away the liberty of his children: and hence, I infer, arises that extraordinary kind of madness, so peculiar to the Malays, termed *running a muck*. I believe, the nervous system of a losing gamester is more violently agitated and convulsed by the sense of his losses, than by any other voluntary self-inflicted operation whatever; and, where the paroxysm of the disorder has risen to such a height as to induce the miserable man to hazard his children becoming slaves to another, there is scarcely any other

other rashness he can be guilty of that need excite surprise; yet the manner in which he seeks destruction, which I have related in a former part,* is unaccountable.

“ I have reserved to the last my observations on the treatment of slaves in our West-India plantations, as *they* only are the real subjects of the Abolition-act; and I conceive the foregoing will not be deemed either foreign to the subject, or superfluous, since it may help in some degree to account for the apparent difference in the evidence given by different gentlemen before the houses of parliament, as well as the contradictory accounts in the publick papers. The inhuman and horrid practice of *obtaining* and *conveying* men, women, and children, from their native land, merely because they are black, and therefore reckoned fitter for work in hot climates than Europeans; the original purchase, conducted by fraud, force, and artifice; the transportation and sale of them, in a foreign country, for slaves; altogether present the picture of so diabolical a traffick, that I cannot sufficiently express my surprize at finding there are yet advocates for its continuance, after the inhumanity of the practice has been so ably and justly exposed: for it is a mockery of justice, as well as an insult to common understanding, to say, that, from motives of humanity, they are removed by compulsion from a worse to a better situation.

“ Let us suppose there were inhabitants of some distant country, as superior to us in strength of arms and understanding as we esteem ourselves to the poor Africans; and, trusting in that strength, let us farther suppose they were to come hither, and, among others, to make free with these advocates for slavery. I imagine these gentry would not be better reconciled to their fate, from being told, by their masters, it was doing them a kindness to carry them from

* Vol. I. chap. xlv. p. 205.

home to live in slavery under people so much *their* superiors adding, withal, it was likewise *necessary*, or they (their lords and masters) could not otherwise enjoy quite so many superfluities; and, I fear, that nothing short of so forcible an argument could, or would, convince them. For, as Miss Hannah Maria Williams observes in one of her letters from France, (only I substitute the abolition of slavery for the demolition of the Bastille,) "Those, who have contemplated on slavery without rejoicing at the prospect of an Abolition, may, for aught I know, be very respectable persons, and very agreeable companions in the hour of prosperity; but, if my heart were sinking in anguish, I should not fly to them for consolation." I believe it is Sterne who says, that a man is incapable of loving one woman as he ought, who has not a sort of an affection for the whole sex. I am of the same opinion; and as little should I look for *particular* sympathy from those who have no feelings of general philanthropy.

"To return; the poor Africans, thus cruelly carried-over to the West-Indies, are exposed at a publick market, frequently at a vendue, (or sale by auction,) and sold, like beasts of burden, to the highest bidder. A small proportion are selected for domestick uses; and I am willing to allow some of these to be ranked with the slaves in the northern parts of the continent of America, for comfort and even for pleasures, except in case of misconduct, when they are subject to be turned-out as field-negroes, which is often the case; under which term, we may comprehend the large bulk of negro-slaves. These may truly be called *miserable* Slaves; for, although it may be allowed that in some of the plantations they are treated with humanity, yet those who are treated the very best, among the working field-negroes, it is a cruel lot to suppose any fellow-creature to be born-to, or to be subjected-to by the iron hand of power, without having committed an offence. What, then, must be the

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deplorable fate of thole unhappy wretches who are the property of masters, (I am sorry to say mistresses, too), whose hearts are callous to every feeling of humanity towards them? Impressed from their cradles with the idea that their slaves are little, or nothing, superior to the brute creation; they treat them accordingly.

“ In my youthful days I remember to have seen at Savannah-la-Mar, in Jamaica, a Creole lady (as she was called) stand by while one of her negro-wenches was so severely flogged, in the publick place, by one of her negro men-slaves, that, if a drayman were so to flog his horse in the streets of London, I am persuaded the populace would wrest the whip from his hands, and retaliate upon him the injuries of the animal. Yet, so accustomed to these fights and screamings of the poor wretches were the people at Savannah, that they past along unconcerned, until attracted by the greater novelty of a youth, like myself, interfering, by asking the mistress if she was not ashamed of herself. The good lady then poured-forth such a torrent of abuse, plentifully decorated with oaths, as to provoke a retort similar; until, foaming at the mouth like a mad creature, she retreated into her house, cursing me for a “ *dom torry orse*, impudent sailor-fellow.”

“ What Mr. Jefferson remarks, of the conduct of the master to the slave in Virginia, is equally, if not more, applicable to the West-India islands. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting haughtiness, on the one part, and degrading submission on the other. The children see this, and learn to imitate it, man being an imitative animal. This disposition to imitate is the germ of all education in him; from his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive, either in his philanthropy or his self-love, for restraining the intemperance

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temperance of his passions towards his slave, the presence of his child should always be a sufficient one. The parent storms; the child looks-on, catches the lineaments of wrath, puts-on the same airs in the circle of smaller slaves, gives a loose to his worst passions; and, thus nursed, educated, and daily exercised, in tyranny, cannot but be stamped by it with odious peculiarities.

"God bless the Duke of C——! I trust he speaks honestly, as far as he knows. But his royal highness, as well as some other respectable characters, must excuse me for observing, that their knowledge respecting the *treatment, usage, and mode of living*, of the hard-working field-negroes on the plantations, must necessarily be much confined. The most that these men of high rank have an opportunity of observing is among the household, or domestick, negroes, where our opinions may partly coalesce. But, admitting that, out of curiosity, they may have visited many, and some of the worst, of the (maltreated) negro-plantations, is it not evident to common sense, that the owners, or managers, of such plantations would take the greatest care that every thing should appear in its best during such visits? Of course, they see no negro-driver flourishing and cracking his whip over the negroes at work, to try his dexterity in cutting a musquito off any of their backs, merely to amuse himself. Nay, if these visitors condescended to inquire of the poor devils themselves, the wretched beings too well know they dare not pour their sorrows into the ear of any but such as, like myself, (being, at the time I allude to, in too humble a station to attract the notice of their masters,) could observe their customary daily treatment, with their hard, scanty, subsistence. And, while employed, in the long-boat of the ship I belonged-to, to fetch-off sugars, rums, &c. from various distant plantations, I have frequently entered their huts with familiarity, at night, to give them a spare piece of salt-beef or pork,

I believe

I believe it was a situation as likely as any to obtain information on the subject, free from partiality or prejudice, admitting the observer to have any human affections remaining; and, where a person has had frequent opportunities of observation, it requires no very great abilities to form a tolerable judgement on the subject.

"I do not hesitate, therefore, in saying that the traffick of transporting fresh slaves from Africa ought, in common justice, to cease immediately; as it cannot be justified on any principle of humanity, expediency, or necessity. So far, then, I again express my surprize that there should be two opinions on the subject, among men who are not interested in it. The sons of Mammon are out of the question: for they, whether in the semblance of merchants, ship-owners, or planters, will endeavour to justify it under sanction of *their* religion, self-interest!

"The great and almost only difficulty, I conceive, is in forming and adopting such a plan, for their gradual emancipation, as will best answer the humane intention of releasing so many thousands of our fellow-creatures from bondage. To do this hastily, to say to them, "Ye are all *free* from this instant," would be nearly as cruel as the first enslaving them. If there were only a few hundreds, or thousands, thinly scattered over the islands, it mattered not how soon it was done; but the liberation of such a multitude, whose numbers far exceed the Europeans, from whom they must (whether freemen or slaves) expect a maintenance for a considerable time to come, would not only be productive of the worst consequences to those Europeans, but equally so to themselves: the excesses, so sudden an intoxication would plunge them into, would be dreadful.

"Probably, much better plans than I have to offer, for accomplishing this desirable end, may have been suggested; and I hope they will be adopted. But the following was
what

what I proposed to carry into execution, if I had settled on any of the southern states of America, where slaves alone at present perform the work; and from this I had promised myself no small gratification, in the good I might have done as an individual, and a hope that the example might induce others to do the same, when they found it their interest, whatever their principles might be.

Under their present owners, they have not the most distant prospect of gaining their liberty: to purchase such slaves, with a view to afford them an opportunity of working-out their own redemption, I believe is justifiable. Supposing, then, I had purchased a number of slaves, worth on an average fifty pounds each; on becoming their master, to encourage them in diligence and good behaviour, I would have allowed them one day in each week to work for themselves, allotting a piece of ground to each to work upon; assuring them, that whoever, by their industry and frugality, saved a fifth part of their prime cost, (say ten pounds,) should then be entitled to purchase, with that money, another day to work upon their own account, and so on until they cleared the whole of their time. Possibly, it will appear to some people that a long time would be required for a slave in this manner to emancipate himself completely: but it is far from being so. A free negro can easily earn half-a-crown a day, most of them twice as much; a slave is found in the necessities of life and cloathing by his master. We will suppose, then, that he earns no more than half-a-crown on the day first given to him, calling it Saturday, and that he expends one shilling on himself; he then lays-by eighteen pence a week. Trifling as this may appear, at first view, to the accomplishment of so great an end, it will enable him to make his first purchase, of another day of freedom in the week, in little more than two years and a half. Should he then apply the whole additional earnings to the former eighteen pence,

pence, one other year will purchase him another day of liberty; and the heaviest half of his task is then accomplished.

He is now half free, beginning to feel a proportionate consequence, and may probably increase his own enjoyments a little more. Admitting this, in two years, or two years and a half, more, he may complete the full purchase of his freedom; but if, instead of six years, it should even take them seven, eight, or nine, years, it would be far better for them than if they had their full liberty and freedom at once; and, being the work of their own hands, by favour of their master, it inculcates two good principles: industry, with a true knowledge of its value, from which it is likely to become habitual; and gratitude to their master, whose work they will then be happy to do as free servants. Nor have I much doubt but that the pleasing hope of such liberation, while they are gaining it by degrees, will afford them nearly, if not quite, as much comfort as the final attainment of it. At any rate, the gradual acquirement of it will be the best means to prevent their being madly intoxicated at the completion. They will know the value better, and will have gained such habits of industry and frugality as to insure their future welfare. The owner receives the full value, with an ample interest, from the work done for him, and will also enjoy the high mental gratification of liberating a fellow-creature from slavery.

In the account of my farm in the state of New-York, I have mentioned the mode I adopted there for liberating those I purchased, which was as similar to the foregoing as the difference of climate and country would permit; and the gentlemen, with whom I left them upon the farm, engaged to fulfil and pursue the same plan.

I allow that the bulk of the slaves employed in the West-India plantations have the appearance of being but a few degrees above the brute creation; but it is their situation
which

which makes them so. Teach them better by good usage, and stimulate them to industry by sweetening their bitter cup with a cheering prospect of obtaining their liberty; and they will soon exhibit sufficient proof of their capacity to deserve and enjoy it. At our family-devotions on Sundays, my negroes, whom I called-in to attend likewise, could scarcely conceive what was proposed; yet in a short time, from receiving the best instructions in my power, and perceiving, in my address to the one Almighty God, that they were considered as equal in his eye, according to their deserts, they attended, with earnestness and gratitude, to be better informed of their dependence on his Providence for the comforts of this life, with the hope of a better hereafter. These were circumstances, concerning which their former owners had never given them the smallest instruction.

I must acknowledge there was one thing respecting the negroes in some parts of America, which astonished me much; nor was I ever able to account for it to my own satisfaction: but truth requires it to be mentioned. On the subject of slavery, every feeling heart will naturally sympathize for the parent whose mind, we suppose, must be tortured with agony when he considers his children born to perpetual slavery; yet how shall we account for the very common practise, among the free negroes in America, of preferring to marry *slave-wenches*, by which they make all their children slaves? The fact is so; and the only reason I could learn, or can assign, for it, is "that they value not their liberty at the price of their maintenance." But possibly this may arise from the long degradation of their minds, which a more liberal treatment and enlightening education might correct and bring-back to a natural sense of parental duties.

END OF MR. HARRIOTT'S CHAPTER ON NEGRO-SLAVERY.

THE PRE-EMINENCE AND DUTY
OF
PARLEMENT.

Written in the year 1646, by James Howell, Esq.

The following discourse on the English Parliament is the first section of a political tract written about the year 1646, by *James Howell, Esquire*, an eminent writer of that time, who was attached to the party of King Charles the First, in the time of that Great Civil War, and was imprisoned in the Fleet-prison during several years by order of the Parliament, on account of such attachment to the Royal cause: but after the restoration of King Charles the Second, he was made Historiographer royal to that King; and in the year 1661, he published at London a small volume in *duodecimo*, containing twelve small tracts, relating to the causes of the late civil wars and revolutions in England, Scotland, and Ireland, which he had written many years before at different times, in the course of the said Civil War. In this volume, page 343, &c. I met with this description of the nature and powers of the English Parliament, which, I thought, exhibited so just and lively a picture of the advantages belonging to the Limited Monarchy of England, under a king and two houses of Parliament, that I resolved to present it to my readers in this miscellaneous collection of small tracts relating chiefly to political subjects,

F. M.

I AM a free-born *subject* of the realm of England; whereby I claim, as my native inheritance, an undoubted right, propriety, and portion in the Laws of the Land: and this distinguisheth me from a *slave*. I claim likewise
this

protection from my sovereign Prince; who, as he is my liege Lord, is obliged to *protect me*; and I, being one of his liege people, am obliged to *obey him*, by way of reciprocation. I claim also an interest and common right in the High National Court of Parlement, and in the power, the privileges, and jurisdiction thereof, which I put in equal ballance with the *Laws*, in regard it is the *fountain whence they spring*; and this I hold also to be a principal part of my Birth right: which Great Council I honour, respect, value and love in as high a degree as can be, as being the *bulwark of our liberties, the main boundary and bank which keeps us from slavery, from the inundation of tyrannical rule, and unbounded will-government*. And I hold myself obliged in a tie of indispensable obedience, to conform and submit myself to whatsoever shall be transacted, concluded, and constituted by its authority, in Church or State, with the Royal assent, whether it be by making, enlarging, altering, diminishing, disannulling, repealing, or reviving, of any law, statute, act, or ordinance whatsoever, either touching matters ecclesiastical, civil, common, capital, criminal, martial, maritime, municipal, or any other; of all which the transcendent and uncontrollable jurisdiction of that Court is capable to take cognizance.

Amongst the three things which the Athenian Captain thanked the gods for, one was, that he was born a Grecian, and not a *Barbarian*; (for such was the vanity of the Greeks, and, after them, of the Romans in the flourish of their monarchy, as to arrogate all *civility* to themselves, and to terme all the world besides *Barbarians*;) so I may say that I rejoice, that I was born a vassall to the Crown of *England*; that I was born under so well moulded and tempered a Government, which endows the subject with such Liberties and enfranchisements that bear-up his naturall courage, and keep him still in heart such Liberties that fence and secure him eternally from

the gripes and tallons of *Tyranny*: And all this may be inputed to the Authority and wisedome of this High Court of *Parlement*, wherein there is such a rare co-ordination of power (though the *Soveraignty* remain still entire, and untransferrable, in the person of the *Prince*) there is such a wholsom mixture 'twixt *Monarchy*, *Optimacy*, and *Democracy*, 'twixt Prince, Peers, and Commonalty, during the time of consultation, that of so many distinct parts, by a rare co-operation and unanimity, they make but one *Body politick*, (like that sheafe of arrows in the Emblem) one entire concentricall peece, the King being still the Head, and the results of their deliberations but as so many harmonious diapasons arising from different strings. And what greater immunity and happinesse can there be to a Peeple, than to be liable to no Laws but what they make themselves: to be subject to no contribution, assessment, or any pecuniary erogations whatsoever, but what they Vote, and voluntarily yeeld unto, themselves: for in this compacted *politick Body*, there be all degrees of people represented; both the Mechanick, Tradesman, Merchant, and Yeoman have their inclusive Vote, as well as the Gentry, in the persons of their Trustees, their Knights and Burgeses, in passing of all things.

Nor is this Soveraign *Surintendent Council* an Epitome of this Kingdom only, but it may be said to have a representation of the whole Universe; as I heard a fluent, well-worded, *Knight* deliver the last *parliament*, who compared the beautifull compofure of that High Court to the great work of God, the World itself; the King is as the Sun, the Nobles the fixed Stars, the Itinerant Judges and other Officers (that go upon Messages 'twixt both houses) to the *Planets*; the Clergy, to the *Element of Fire*; the Commons, to the solid *Body of Earth*, and the rest of the *Elements*. And, to pursue this comparison a little farther; as the heavenly

venly Bodies, when three of them meet in *Conjunction*, do use to produce some admirable effects in the Elementary World; So when these *three States* convene and assemble in one solemn great *Iunta*, some notable and extraordinary things are brought-forth, tending to the welfare of the whole kingdom, our *Microcosme*.

HE that is never so little versed in the annals of this Isle, will find that it hath bin her fate to be four times *conquered*. I exclude the *Scot*; for the situation of his Country, and the Quality of the Clime, hath been such an advantage and security to him, that neither the *Roman Eagles* would fly thither for fear of freezing their wings, nor any other Nation attempt the work.

These, so many, Conquests must needs bring with them many tumblings and tossings, many disturbances and changes in Government; yet I have observed, that, notwithstanding these tumblings, it retained still the forme of a *Monarchy*, and something there was always that had an Analogy with the great Assembly of *parlement*.

The first Conquest I find was made by *Claudius Cæsar*: at which time (as some well observe) the *Roman Ensignes* and the *Standard of Cbrist* came-in together: It is well known what Lawes the *Roman* had; He had his *Comitia*, which bore a resemblance with our Convention in *parlement*; their place of their meeting was called *prætorium*, and the Laws which they enacted, *Plebiscita*.

The *Saxon* Conquest succeeded next, which were the *Englisch*, there being no name in *Welsh* or *Irish* for an Englishman, but *Saxon*, to this day. These also governed by *Parlement*, though it were under other names, as *Michel-Sinoth*, *Michel Gemote*, and *Witena Gemote*.*

* These words mean the *Great Synod*, the *Great Meeting*, and the *Meeting of wise men*.

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There are Records, above a thousand years old, of these *Parlements* in the Reigns of King *Ina*, *Offa*, *Ethelbert*, and the rest of the seven Kings during the *Heptarchy*. The *British* Kings also, who retain'd a great while some part of the Isle unconquered, governed and made Laws by a kind of Parliamentary way; witnesse the famous Laws of Prince *Howell*, called *Howell Dba*, (the good Prince *Howell*) whereof there are yet extant some British Records. *Parlements* were also used after the *Heptarchy* by King *Kenulphus*, *Alpbred*, and others: witnesse that renowned Parliament held at *Grately* by King *Athelstan*.

The third Conquest was by the *Danes*: and they govern'd also by such generall Assemblies, (as they do to this day) witnesse that great and so much celebrated Parliament held by that mighty Monarch *Canutus*, who was King of *England*, *Denmark*, *Norway*, and other Regions 150 years before the compiling of *Magna Charta*; and this the learned in the Laws do hold to be one of the specialeft and most authentick peeces of antiquity we have extant. *Edward* the Confessor made all his Laws thus, (and he was a great *Legiflator*;) which the *Norman* Conquerour (who, liking none of his sons, made *God Almighty* his *heir* by bequeathing unto him this Island for a *legacy*) did ratifie and establish, and digested them into one entire methodicall Systeme, which being violated by *Rufus*, (who came to such a disastrous end as to be shot to death in lieu of a *Buck* for his sacriledges) were restor'd by *Henry* the first; and so they continued in force till King *John*; whose Reign is renowned for first confirming *Magna charta*, the foundation of our Liberties ever Since; which may be compar'd to divers outlandish *graffes* set upon one *English flock*; or to a *posie* of sundry *fragrant flowers*; for the choicest of the *British*, the *Roman*, *Saxon*, *Danish*, and *Norman Lawes* being cull'd and pick'd-out and gathered, as it were, into one bundle,

bundle, out of them the foresaid *Grand Charter* was extract-
ed; and the establishment of this great Charter was the work
of a Parliament.

Nor are the Lawes of *this Island* only, and the freedome
of the Subject in it, conserved by a *Parlement*; but all the
best-policed Countries of *Europe* have the like. The Ger-
manes have their *Diets*, the Danes and Swedes their *Rijck
Dachs*; the Spaniard calls his Parliament *las Cortes*; and
the French have, (or should have, at least) their *Assembly of
three States*, though it be growne now in a manner obsolete,
because the authority thereof was (by accident) devolv'd to
the *King*. And very remarkable it is, how this happen'd;
for, when the *English* had taken such large footing in most
parts of *France*, having advanced as far as *Orleans* and
driven their then King *Charles* the seventh, to *Bourges* in
Berry, the *Assembly of the three States* in these pressures,
being not able to meet after the usual manner in full *Par-
lement* because the Countrey was unpassable, the Enemy
having made such firme invasions up and down through
the very bowels of the Kingdom; that power which for-
merly was inhærent in the *Parlementary Assembly*, of
making Lawes, of assessing the Subject with taxes, subsidiary
levies, and other impositions, was transmitted to the *King*
during the war; which continuing many years, that entrust-
ed power by length of time grew, as it were, habitual in him,
and could never after be re-assumed and taken from him;
so that ever since, his *Edicts* countervail *Acts of Parle-
ment*. And that which made the businesse more feasible
for the *King*, was, that the burthen fell most upon the
Commonalty; the Clergy and Nobility not feeling the
weight of it, and being willing to see the *peasan* pull'd-
down a little, because, not many years before, in that nota-
ble Rebellion, call'd *la Jaquerie de Beauvoisin*, which was
suppressed by *Charles the wise*, the Common people put
themselves

The origin
of the king
of France's
power of
imposing
taxes on his
subjects in
Paris and
the Isle of
France,
without the
consent of
the three
States of the
Clergy, the
Nobility,
or Gentry,
and the
Third Es-
tate, or
Common-
alty.

themselves boldly in Arms against the Nobility and Gentry, to lessen their power. Adde hereunto, as an advantage to the work, that the next succeeding King, *Lewis the eleventh*, was a close, cunning, Prince, and could well tell how to play his game, and draw water to his own mill; For, amongst all the rest, he was said to be the first that but the Kings of France, *Hors de page*, out of their minority, or from being *Pages* any more, though thereby he brought the poor *peasants* to be worse than *Lacquays*, and they may thank *themselves* for it.

Neverthelesse, as that *King* hath an advantage hereby one way, to *Monarchize* more absolutely, and never to want money, but to *ballast his purse* when he will; so there is another mighty inconvenience ariseth to him and his whole Kingdom another way; for this peeling of the *Peasant* hath so dejected him, and cowed his native courage so much by the sense of poverty (*which brings along with it a narrownesse of soul*) that he is little useful for the war: which puts the *French King* to make other Nations mercenary to him, to fill-up his *Infantry*: Infomuch, that the Kingdom of *France* may be not unfitly compared to a body that hath all it's bloud drawn-up into the arms, breast, and back, and scarce any left from the girdle downwards, to cherish and bear-up the lower parts, and keep them from starving.

All this seriously considered, there cannot be a more proper and pregnant example than this of our *next Neighbours* to prove how infinitely necessary the *Parlement* is to assert, to prop-up, and preserve, the publick liberty, and national rights of a people, with the incolumity and welfare of a Countrey.

Nor doth the *Subjeſt* only reap penefit thus by *Parlement*, but the *Prince*, (if it be well consider'd) hath equal advantage thereby. It rendreth him a King of *free* and *able* men;

men; which is far more glorious than to be a King of *Cowards, Beggars, and Bankrupts*; Men that, by their freedom and competency of wealth, are kept still in heart to do him service against any forrain force. And it is a true maxime in all States, that 'tis lesse danger and dishonour for the Prince to be poor, than his people: Rich Subjects can make their King rich when they please; if he gain their hearts, he will quickly get their purses. *Parlement* encreaseth love and good intelligence 'twixt him and his people: it acquaints him with the reality of things, and with the true state and diseases of his Kingdom; it brings him to the knowledge of his better sort of Subjects, and of their abilities, which he may employ accordingly upon all occasions; It provides for his Royal issue, pays his debts, finds means to fill his Coffers; and it is no ill observation, that *parlement-moneys* (the great Aid) have prospered best with the Kings of *England*: It exceedingly raiseth his repute abroad, and enableth him to keep his *foes in fear, his Subjects in awe, his Neighbours and Confederates in security*, the three main things which go to aggrandize a Prince, and render him glorious. In summe, it is the *Parlement* that supports, and bears-up the honour of his Crown, and settles his throne in safety; which is the chief end of all their consultations: for whosoever is entrusted to be a Member of this High Court, carryeth with him a double capacity; he sits there as a *Patriot*, and as a *Subject*: as he is one, the *Country* is his object, his duty being to vindicate the publick liberty, to make wholesome Lawes; to put his hand to the pump, and stop the leaks of the great vessel of the State; to pry into, and punish, corruption and oppression; to improve and advance trade; to have the grievances of the *place* he serves-for redressed, and to cast-about how to find something that may tend to the advantage of it.

But he must not forget that he sits there also as a *Subject*:
and

and according to that capacity, he must apply himself to do his *Sovereign's* business, to provide, not only for his *publick*, but his *personal*, wants ; to bear-up the lustre and glory of his *Court* ; to consider what occasions of extraordinary expences he may have, by encrease of Royal issue, or maintenance of any of them abroad ; to enable him to vindicate any affront, or indignity, that might be offered to his person, Crown, or dignity, by any *forrain* State or Kingdom, or *intestine* Rebellion ; to consult what may enlarge his *honour*, *contentment*, and *pleasures*. And as the French *Tacitus* (*Comines*) hath it, the English Nation was used to be more forward and zealous in this particular than any other ; according to that ancient, eloquent, speech of a great *Lawyer*, *Domum Regis vigilia defendit omnium, otium illius labor omnium, deliciae illius industria omnium, vacatio illius occupatio omnium, salus illius periculum omnium, honor illius objectum omnium*. Every one should stand Centinell to defend the King's house, his *safety* should be the *danger* of all, his *pleasures* the *industry* of all, his *ease* should be the *labour* of all, his *honour* the *object* of all.

Out of these premisses this conclusion may be easily deduced, that, *the principall fountain whence the King derives his happiness and safety, is his parlement* ; it is that great Conduit-pipe which conveighes unto him his people's bounty and gratitude ; the truest Looking-glasse wherein he discernes their loves ; (now *the Subjects love hath been always accounted the prime Cittadell of a Prince.*) In his *Parlement* he appears as the Sun in the Meridian, in the altitude of his glory, *in his highest State Royal*, as the Law tells us.

Therefore whosoever is averse or disaffected to his Sovereign Law-making Court, cannot have his heart well-planted within him ; he can be neither a good *Subject*, nor a good *patriot*, and therefore is unworthy to breath English air, or have any benefit, advantage, or protection from the Laws.

A MEMORIAL

PRESENTED TO

QUEEN ELIZABETH,

AGAINST HER MAJESTY'S BEING ENGROSS'D BY ANY
PARTICULAR FAVOURITE.

*Written by WILLIAM CECIL, Lord Burleigh, then Lord
High Treasurer of England.*

May it please your Majesty,

FULL of Assurance, that my unfeigned Zeal for your Majesty's *Interest* and *Service*, will be evident in what I humbly presume to *Remonstrate* to Your Majesty; I shall venture to speak my mind with a *Freedom worthy the noble End and Aim of my Design*. When any Man, that is as ambitious as myself of *engaging* your Majesty's good *Opinion* of my *Actions*, and your *Favour* on my Endeavours, shall attempt to plead against any *Particular's engrossing* your Royal Ear, he cannot well be suspected of directing his Discourse and Sollicitations on that Head to any private Interest and Advantage: Since, by advancing the *contrary Position*, he might hope perhaps, in time, and in his turn, by the force of *Industry* and *Application*, to enjoy the Benefit of it.

Secure

Secure, therefore, in my Zeal for the Welfare of my Prince and my Country, I shall venture to appeal to your Majesty's Knowledge of History, whether it afford any one Instance of that Nature, which has not been, or was *very likely* to be, of *fatal Consequence* to the Prince or the people, or both. I will not insist on *Sejanus*, or any other of the *Roman Minions*, to whose *Ambition* or *Avarice*, when the *Nobility* had fallen in Numbers, and the people felt the Rage of their *exorbitant Passions*, unsatisfy'd with what they possess'd, they have aim'd at the *Life* and *Throne* of the Prince that rais'd them. The Reason of which is plain; because, having only *themselves and their own private Advantage* in view, they make use of the Prince only as the means of *their own Grandeur*, without any regard to his *real Service*, or the *Publick Good*, against which it is impossible to do the *Prince's*

A King, by his Royal Office, is the *Father* of his Country; whose Eye ought to watch over the Good of *all* and *every one* of his Subjects, in the *just execution of the Laws*, and the *impartial dispensation of Prerogative*; in *Redressing of Grievances*, *Rewarding Vertue*, *Punishing Vice*, *Encouraging Industry*, and the like. But *Princes*, though the *Vicegerents of Heaven*, being not endued with *Omniscience*, can only know these *Grievances*, *Virtues*, *Vices*, *Industry*, &c. of the *People*, and their several *Exigencies*, by the Eyes and Information of others; nor can this be done by trusting to any *one particular* Favourite, who having no *more*, nor *larger*, Qualifications than his *Prince*, can have no other means of informing him aright, than what his Prince has without him. Nay, it may very well be said, that he has not any means so *sure* and *infallible*; for the Prince, if he consult his *Great Councils*, and only adhere to their *Publick Decisions*, cannot miss of knowing all that is necessary to be known for his *own Glory*, and his *people's Good*;

Good; which are *inseparable*: but the *Favourite*, having *private* Designs to carry-on, receives his Information from those, who must represent things to him as he would have them, by that means to make their Court, and secure that Success to their Wishes, for which they daily pay the Adoration of so much flattery. But, if, by the wonderful Perspicuity and Application of the *Favourite*, he should attain a *true knowledge* of the state of things; of the Inclinations, and Desires of the people; it is Forty to One, that, these clashing with his *private Aims*, he gives them another Face to the *Prince*, a turn more agreeable to his *separate Interest*, though equally destructive of his *Master's* and *Country's* *Good*.

The only way, therefore, for a *Prince* to govern with satisfaction to his own Conscience is to be the *Common Father* of all his *Country*, to bear the advice of all his *councillors*, and to have an open Ear to all the *Grievances* and *necessities* of all his *People*. Which can never be done while any *One* Man has the luck to possess the *Royal Favour* so far as to make his Advice an over-balance to the *whole Nation*. They gain by that means a Power, which they *extreamly seldom*, if ever, use for the *People's* or *Prince's Advantage*, but most commonly, if not always, to the destruction of both. There are Examples enough of this to alarm any *Wise* and *Politick Prince*. The *Mayors* of the Palace in *France*, at last possessed the *Throne*. And *Domestick Instances* might be given of those, who, by their *excessive Power*, have, if not themselves possess'd, yet *deprived and set whom they pleas'd on the Throne*.

But, omitting what your Majesty knows extreamly well, I shall only give you a view of a *great Favourite* in the *Reign* of your *Royal Father*; a true Prospect of whose *Practices* and *Ambition*, may warn your Majesty against all those, who wou'd engross not only your Majesty's Ear, but

but *all the Gifts and Places your Majesty can bestow* ; so to be, if not in *Name*, yet in *Effect* Kings of *your People*. I mean Cardinal *Wolsey*, whose Fame has been pretended to be vindicated by a Domestick of his, in the Days of the late Queen. And, tho' I shall not deny his admirable Qualifications and Parts ; or his Justice in many Particulars ; yet I shall shew, that the ills he did, were much more *prejudicial to the King and People*, than the Good he did was beneficial to them.

Whatever he did, as *Chancellor*, (allowing his Decrees to have been *all Equitable and Just*,) will not be sufficient to destroy my Assertion ; since that only reach'd *some Particulars*, who had Causes depending before him ; but the many *Exorbitances* of his Administration, spread to the *whole People* ; as will appear from those few Instances which I shall give, by which he put the King on the most *illegal Attempts* to replenish that Exchequer, which *his Ambition and Pride*, more than any Profusion, or Expences, of the King, had exhausted.

The Reason of this Assertion will be plain, if your Majesty will reflect on the *more than Royal Retinue*, which (tho' a Subject of the *lowest and most plebeian Rise*,) he maintain'd. For, not to waste your Majesty's *important Hours* with a long Catalogue of the Particulars, he had in his Family, *One Earl, nine Barons*, and Knights, Gentlemen, and inferior Officers, about One Thousand. For the Maintenance of whom he was *once* possess'd of the *Almonership*, the Bishopricks of *Tournay, Lincoln and York*, and *Durham, St. Albans in Commendam*, the Bishoprick of *Winchester*, in exchange for that of *Durham*, the Revenues of those of *Bath, Worcester and Hereford*, was Lord *Chancellor of England*, and had the disposal of all Places of *Trust and Profit*, and *singly and alone* dispatched all Publick Negotiations.

But

But the maintenance of so *numerous* a Dependence, was not perhaps the *Moyety* of his Expences; he had long entertain'd an *Ambition* to be *Pope*. And he was too wise to attempt any thing in the *Conclave*, or *Court of Rome*, by means of which he cou'd have no hopes of Success. *Money* has always been the *only* Argument which has prevail'd in the *Papal Elections*, or in the particular Interests that the Princes in Obedience of that See form for themselves or *Favourites*. The Cardinal therefore must be at an expence *proportionable* to the *vehemence* of his Desires: Which having *no Bounds*; his Largeesses, to obtain that End, cou'd be bounded by nothing but the Abilities of the *King* and *Kingdom*, the *Treasure of which was wholly at his Command*.

This was the Reason, that prevail'd with him to engage the King, his Master, to lend Sums of Money to the Emperor, whose Poverty was so well known that he cou'd have no Prospect of ever having them Repay'd. 'Tis true, the *Emperor* and the *Court of Rome* were not fair Chapmen, but received his Money, and, at the same time, instead of promoting, obstructed all his Aims at the *Tripple-Crown*. These *incident Charges*, join'd with the *constant* Expences of so numerous a Retinue, occasion'd *perpetual* and *large Disbursements*; and these put him on *extraordinary Ways and Means* of providing a Fund for their Continuance.

To this end he grants Commissions, under the Great Seal of *England*, which oblig'd every Man, *on Oath*, to deliver the true Value and Estimate of his Estate, and to pay *Four Shillings in the Pound for every Fifty Pounds and upwards*. This was so *heavy and severe* a Tax, that it's being Authoriz'd by *Parliament* wou'd not have freed it from the Imputation of an *Oppression of the Subject*: But to be done by the *private Authority* of a

Y

Subject

But

Subject, is what wants a Name. And that it was so, notwithstanding the Great Seal was affix'd to the Commissions, is plain, from his Majesty's *disowning* the Matter, as such a Violation of the *Fundamental Rights of the People*, and a *total dissolution of Magna Charta*, that no wise King of England cou'd be guilty of. A just consideration of this, made the King declare, *That, tho' his Necessities were great, yet he shou'd never think them great enough to make him attempt the raising Money by any but the Legal way, of the People's consent in Parliament.*

Tho' the King had made this Declaration, and the Cardinal found his *first illegal Project* defeated; yet, since Money was to be had, or his Designs fall to the Ground, he *once more* tries one as little agreeable to *Law* as the former, tho' not so *odious* and *unproper*. He therefore puts the King on desiring a *Benevolence* of the People without an *Act of Parliament*. And the Commissioners, (who were the Cardinal's Creatures, and employ'd by him) *exactd this Money, not as a free Gift, but as if due by Law*. But in this he was *exactly* disappointed, tho' at the *Expense of his Master's Reputation*; for the People, pleaded, a Statute of *Richard III.* and *obstinately refused to pay it.*

But, *Madam*, I must remember to whom it is that I am speaking; to one of the *Wiseſt* and *Beſt* of Princes, as being entirely free from all *vicious Inclinations*; and of too good Judgment to be impos'd-on, by the *faireſt Appearances* of *Virtue*, so far as to lose the juster Considerations of Publick good in the shining Qualities of any *particular*: Under you, *Madam*, we find that Saying true, *How happy is the Kingdom [that is] govern'd by a Philosopher!* We feel the Blessing, and *every Day* experience the *Manna* of your Reign. And, *how indulgent forever your Majesty may be thought to the eminent Excellencies of some*, yet I have no manner of Fear, that they will ever be able to *expel your Majesty's*

Majesty's Affections from all your other Subjects, or make you ever deviate to a Particularity in their Favour, against the Good and universal Cries of your People.

This Noble Temper in your *Majesty* it is that secures me against all Fears from this *Freedom*, which I have taken; since you will easily see a *Publick Spirit*, void of all private Aims, shine through the whole. I have therefore only to add my ardent Wishes for the *prosperous and long Reign* of your *Majesty* over a *People that are sensible of the Blessing which Providence has bestowed on them in their gracious Queen.*

[This memorial is re-printed from pages 90, 100,—111, of a very small volume of political tracts, called *The Cabala, or Mysteries of State*, published at London in the year 1715.]

THE STATE
OF
A SECRETARIES PLACE,
AND
THE DANGERS INCIDENT TO IT.

Written by ROBERT CECIL, Earl of Salisbury.

Reprinted from the *Cabala*, pages 115, 116,—120.

ALL Officers of State and Counsellors of Princes, have a prescribed Authority, either by Patent, by Oath, or by Custom; the Secretaries Place only excepted: but to them there is allowed a Liberty to Negotiate at Discretion, both at Home and Abroad, with Friends and with Enemies, in all Matters of Enquiry to gain Intelligence.

All the Servants of Princes deal upon strange and cautious Authority and Warrants for it: as in Disbursements and Receiving of Money by Treasurers, Receivers, &c. Which is done by sufficient Warrant; and in Conference with Enemies, as Generals by Commissions; in executing of all Offices, as Officers by their Patents; and so in whatever else: Only a Secretary hath no Warrant or Commission, in matters of his own greatest Danger, but must rely upon the Word and Integrity of his Sovereign.

For such is the Multiplicity of Occasions, and the variable Motions and Intentions of Foreign Princes, and their daily Practices in so many parts and places, that Secretaries can never have any Commission so Large and Universal as to assure them. So that a Secretary must either conceive, or dive into, the Thoughts of a King (which is only the Prerogative of God Almighty) or else a King must

must either exercise the Painful Office of a Secretary himself (which is contrary to Majesty and Liberty) or chuse such a Secretary that he may repose his confidence in; and the Secretary's Life must be in Trust with the Prince: for he cannot deal with Princes *tanquam Inimicum futurum*; and therefore all the Security he has is that his Sovereign will be *Semper Idem*.

All foreign Princes hate another Prince's Secretary, as well as all Ambitious Aspirers and Conspirators; because for the most part they either Kill those Monsters* in their Cradles, or track them to a discovery, where no other Person could find the Print of their Feet.

Military Persons also hate them; unless they serve them on all occasions, tho' never so prejudicial to the Interests of their Masters.

All Persons in Offices and Places of Trust malign them, unless they wink at their Frauds and Cheating the King: All their fellow-Counsellors envy them, because they see and do most: have freest access to their Sovereign; and on all Occasions that the Prince has to enquire into offences, to Deny, Prefer, or Punish, none are so much employ'd, or bear the Burden so much, as the Secretaries.

Kings are advis'd to observe Three things especially in a Secretary. 1. That he be created by himself, and be of his own Raising and Preferring. 2. That he match not in a Family that is accounted Factionous. 3. That he has a reasonable Capacity, and convenient Ability both of Friends and Estate; that, by the first, he may be able to go to the depth of what is committed to his Charge, being brought-up, as it were, in his own Condition: That, by the second, he might not be led-away with any vain or idle conceit, to wrong his prince, or abuse the Trust committed to him: And by the last, That he may be able

to

* That is, *ambitious aspirers and conspirators*.

to serve his Majesty without wronging any Man out of a Covetous Principle.

On the other hand, a Secretary had need serve a Prince that is constant to his own Orders, and steady in his Commands; otherwise he is in a dreadful Condition: for he that lives by being trusted, ought to serve faithfully; and he that is content to live at Mercy, ought to be careful in charging* his Master that he be just, and *de bonâ Naturâ*.

Whilst Matters of State are debated only between the Prince and his Secretary, those Counsels are like the mutual affections of two Lovers, Undiscovered to their Friends: When they come to be disputed in Council, they are like asking consent of Parents and adjusting Portion and Settlement: and the Agreement of the Council is like the Solemnization of the Marriage.

Now, if there be a Secretary, whose Estate can Witness he has not served for Profit; that he has preferr'd the Honour and Safety of his Master, and despised his own advantage; and, after all this, he finds his Fidelity and Diligence cannot secure him against the Clandestine Insinuations and Slanders of his Malicious Enemies: 'Tis time to resign his Place. For, as, if he had not been fit to be Trusted, he was unworthy of his Life, so his keeping his office after such an Assurance, shews he is weary of it: for the first Day of a Secretary's being suspected, is the Birth-day of his Misery; for at the same Moment he is Tried, Judged and Condemned.

* Or, perhaps, *charging*.

CONSIDERATIONS

ON THE

EXPEDIENCY OF PROCURING AN ACT OF PARLIAMENT FOR THE

SETTLEMENT

OF THE

PROVINCE OF QUÉBEC.

By FRANCIS MASERES, Esq.

Then lately appointed his Majesty's Attorney-General for the Province of Quebec, in
North-America.

London, printed in April, 1766.

THE difficulties that have arisen in the government of the province of Quebec, and which are likely still to occur in it, notwithstanding the best intentions of those who are intrusted by His Majesty with the administration of affairs there, are so many and so great that the Officers, whom His Majesty has been pleased of late to nominate to the principal departments in that Government,* cannot look upon them without the greatest uneasiness and apprehension, and despair of being able to overcome them without the assistance of an act of Parliament to ground and justify their proceedings. Two nations are to be kept in peace and harmony, and moulded

* Lieutenant-General *Guy Carlton*, (who has been since created a Peer of Great Britain, by the title of *Lord Dorchester*) was appointed Lieutenant-Governour of the Province of Quebec at this time, and *William Hey, Esq.* Barrister-at-Law, was appointed Chief Justice of the Province.

moulded, as it were, into one, that are at present of opposite religions, ignorant of each other's language, and inclined in their affections to different systems of laws. The bulk of the inhabitants are hitherto either French from old France, or native Canadians, that speak only the French language, being, as it is thought, about ninety thousand souls, or, as the French represent it in their Memorial, ten thousand heads of families. The rest of the inhabitants are natives of Great Britain or Ireland, or of the British dominions in North-America, and are at present only about six hundred souls; but, if the province is governed in such a manner as to give satisfaction to the inhabitants, will probably every day increase in number by the accession of new settlers for the sake of trade and planting, so that in time they may equal, or exceed, the number of the French. The French are almost uniformly Roman-Catholics; there were only three Protestant families among them at the time of the conquest of the province; and probably that number is not much increased among them, as no endeavours have been used for their conversion. But, what is more to be lamented, is that they are violently bigotted to the Popish religion, and look upon all Protestants with an eye of detestation. This unhappy circumstance has been, and is still likely to be, a ground of enmity and disunion between the old and new inhabitants! The French insist, not only upon a toleration of their public worship, but on a share in the administration of justice, as jury-men and justices of the peace and the like, and on a right, in common with the English, of being appointed to all the offices of the government. The English, on the contrary, affirm, that the laws of England made against the Papists ought to be in force there, and consequently that the native
Canadians,

Canadians, unless they think proper to turn Protestants, ought to be excluded from all those offices and various branches of power : and in some degree they seem to be supported in this opinion by a part of the Governor's Commission ; I mean that part which enables him to call and constitute a general assembly of the freeholders and planters of the province; for it is there expressly provided, that no person elected to serve in such an assembly shall sit and vote there till he has subscribed the declaration against Popery prescribed by the statute 25 Car. II. which would effectually exclude all the Canadians.

The grounds upon which the French demand a toleration of the Catholic religion, are partly the reasonableness of the thing itself, they being almost universally of that religion, and partly the stipulation made on that behalf in the fourth article of the definitive treaty of peace, and which is expressed in these words. " His Britannic Majesty on his side agrees to grant the liberty of the Catholic religion to the inhabitants of Canada ; he will consequently give the most effectual orders that his new Roman-Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit."

Toleration
of the Ro-
man-Ca-
tholic Re-
ligion.

These last words, " as far as the laws of Great Britain permit," render the whole stipulation in favour of this toleration very doubtful ; for it may reasonably be contended, that the laws of England do not at all permit the exercise of the Roman-Catholic religion.

For in the first place, these words seem to refer to some degree of toleration of the Roman-Catholic religion, already actually subsisting in some part of the British dominions, and by virtue of the laws of Great Britain; and if so, they

they convey no right to any toleration at all, because no degree of toleration of that religion is already actually allowed by the laws of Great Britain in any part of the British dominions.

2dly, Supposing these words not to refer to any toleration of the Catholic religion now actually subsisting by virtue of the laws of Great Britain, but to mean only such a degree of toleration as (though it does not actually subsist in any of the British dominions by virtue of the laws of Great Britain, yet) may subsist without a breach of the laws of Great Britain, yet still there will be great reason to think that the laws of Great Britain do not permit this toleration in any degree. For in the first place, the statute of 1 Eliz. cap. i. for restoring the supremacy in ecclesiastical matters to the Crown, expressly extends to all the Queen's future dominions, as well as to those belonging to the Crown at the time of making the act. The words of the 16th section are as follows: "Be it enacted, &c. that no
 "foreign prince, person, prelate, &c. spiritual or temporal, shall at any time hereafter use, or exercise, any
 "manner of power or jurisdiction, Spiritual or Ecclesiastical, within this realm, or within any other your
 "Majesty's dominions, or countries, that now be, or
 "*hereafter shall be*, but shall be clearly abolished out of
 "this realm, and all other your highness's dominions
 "for ever." And in the next section, all this ecclesiastical jurisdiction, or supremacy, is united and annexed for ever to the Crown. It is clear therefore that the King is, by the laws of Great Britain, supreme head of the church in the province of Quebec, as well as in England itself. Now it is the very essence of Popery, that the Pope, and not the King, is supreme in all spiritual matters. Consequently this essential article of
 Popery

Popery cannot, by virtue of the stipulation in the definitive treaty, be tolerated; but all appeals to the Pope, all exercises of ecclesiastical authority in Quebec, by the Pope, or his legates, or any other person commissioned by him, all nominations to benefices, or to the bishoprick of the province, (which is a power the Pope has hitherto exercised, at least so far as to approve the bishop before he entered upon the functions of his office) must now be illegal and void.

But this act goes a great deal further; for it requires all ecclesiastical persons whatsoever, and likewise all lay-persons holding temporal offices, or employed in the service of the Crown, and likewise all persons holding lands of the Crown, and doing homage for them, to take the oath of supremacy to the Queen, or her successors, under pain of losing their benefices, or temporal offices, &c. and this not only in the realm of England, but in any of the Queen's highness's dominions. So that by this part of the act, all the Canadian clergy, and a great part of the laity, might be required to take the oath of supremacy, which it is well known the most moderate Catholics cannot take, it being contrary to the fundamental article of their religion; for the difference between the moderate Catholics and the more furious and zealous Papists, who are mostly guided by the Jesuits, consists principally in this circumstance, that the latter ascribe to the Pope an unlimited power in temporal as well as spiritual matters, and affirm that he may depose kings, and absolve subjects from their allegiance, and do other the like extravagant mischiefs, whereas the former deny his temporal, and acknowledge only his spiritual supremacy.

It is true indeed, this oath of Supremacy is taken away by the statute of 1 Will. cap. 8. But another shorter oath of Supremacy, containing a mere denial of the
Spiritual,

Spiritual, or Ecclesiastical power of the Pope, or any other foreign Prince, and which is therefore equally contrary to the sentiments of all Roman-Catholics, is appointed to be taken in its stead, and by the same persons, and under the same penalties, as before.

It appears therefore, from the statute of 1 Eliz. cap. i. alone, without considering any other of the laws against Popery, that the exercise of the Popish religion cannot be tolerated in the province of Quebec, consistently with the laws of England; and consequently that it cannot be tolerated there at all by virtue of the stipulation of the definitive treaty above-mentioned, because that stipulation has an express reference to the laws of England.

Further by the next act in the statute-book, or stat. 1 Eliz. cap. ii. for the uniformity of common-prayer and service, it is enacted, "That every minister of a parish-church, &c. within this realm of England, Wales, and marches of the same, or *other the Queen's dominions*, shall be bound to use the book of common-prayer, and shall use no other service, under pain of incurring certain heavy penalties."

By this act, the mass is prohibited in all parish-churches in all her Majesty's dominions.

This act does not indeed say expressly, as the former does, that it shall extend to all her Majesty's dominions that hereafter shall be, as well as those that at present are, belonging to the Crown of England. But there is reason to believe it meant so; or at least there is room for doubt. And, if it does mean so, the mass is prohibited by it in the province of Quebec.

Upon these reasons we may conclude, that the exercise of the Catholic religion cannot, consistently with the laws of Great Britain, be tolerated in the province of Quebec.

Yet

Yet that it should be tolerated is surely very reasonable, and to be wished by all lovers of Peace and Justice and Liberty of conscience.

By what authority then shall it be tolerated? this is the only question that remains. Shall the King alone undertake to tolerate it? will it be adviseable that he should exercise, though for so good an end, a power of dispensing with the laws? will it not give room to a thousand censures and odious reflections and comparisons? The authority of Parliament seems to be a much safer foundation to establish this measure upon, in a manner which neither the new English inhabitants of the province can contest, nor the French Catholics suspect to be inadequate.

The next great difficulty that occurs, is the settlement of the laws, by which the province of Quebec is for the future to be governed. The law upon this subject seems to be this; 1st, That the laws of the conquered continue in force till the will of the conqueror is declared to the contrary; this follows from the necessity of the case, since otherwise the conquered provinces would be governed by no laws at all. 2dly, That after the declaration of the will of the conqueror the conquered are to be governed by such laws as the conqueror shall think fit to impose, whether those are the old laws by which they have been governed before, or the laws by which the conquerors are governed themselves, or partly one, and partly the other, or a new set of laws different from both. 3dly, That by the conqueror is to be understood the conquering nation, that is, in the present case, the British nation; that consequently by the will of the conqueror is to be understood the will of the British nation, which in all matters relating to legislation is expressed by the King and

Settlement
of the
Laws.

and Parliament, as in all matters relating to the executive power it is expressed by the king alone; that therefore the Parliament only have a power to make laws for the province of Quebec, or to introduce any part of the laws of Great Britain there, or to delegate such a power of making or introducing laws to any other hands, notwithstanding it may happen that in fact such a power may inadvertently have been delegated to the governor and council of the province by a private Instruction of the King alone. For, if the contrary doctrine were true, that the King alone had the whole legislative power in the province of Quebec, it would follow, that not only all the conquered Canadians, but all the new English settlers there, would become *slaves*, or subject to an absolute and arbitrary government, the moment they set their foot there. The King might introduce the severest laws, and most cruel punishments, the inquisition, the rack, and the wheel, and might make all his subjects there, both old and new, tenants at will of their lands and other property, and tax them in any degree whensoever he thought fit. He might keep a standing army there, without consent of Parliament, and raise money to pay them by his own authority; and with such an army, a prince of James II'd's. disposition, might oppress the liberties of the other adjoining colonies, or even of Great Britain itself. These are dreadful consequences, but follow clearly from such a doctrine; for which reason the doctrine itself ought not to be maintained. The other opinion, that the conquered people, when once ceded to the Crown of Great Britain, are thereby admitted to be British subjects, and immediately intitled to participate of the liberties of other British subjects, and are therefore to be governed according to the rules

of

the Limited Monarchy of Great Britain, by which the executive power is vested solely in the King, but the power of making laws and raising taxes in the King and Parliament, is a much safer and more reasonable opinion.

It is therefore to be wished, that an act of Parliament might be obtained that at once declared what laws should take place in the province of Quebec, whether the laws of the conquered, or the laws of Great Britain, or some of the laws of the conquered, and some of the laws of Great Britain; or whether any other laws should be introduced there, more peculiarly fitted to the circumstances of the province; and, if any, then what laws should be so introduced: Or, if this detail be thought too troublesome for the Parliament to enter upon, and their informations concerning the state of the province should be deemed to be as yet too imperfect to enable them to go through such a business with propriety, then it is to be wished that an act of Parliament may be obtained, by which such a legislative power of making laws and ordinances for the good government of the province might be delegated to the Governor and Council, as has been already exercised by them by virtue of an Instruction from the King alone. By such a delegated parliamentary authority, they may enquire into the state of the Canadian laws and customs already in force there, and may revise them and reduce them into writing, and enact such of them as shall be found beneficial to the province, and fit to be continued, and may introduce such parts of the laws of England as they shall think to be for the advantage of the province; and likewise, as occasion offers, make such other new laws and regulations as shall be necessary for the good government of it: And in so doing they will have

have a due regard to the heads of advice suggested by Mr. Attorney Yorke, and to such other intimations and instructions as the government shall think proper to communicate to them. And, lest this legislative power should be abused, or injudiciously executed, by the Governor and Council, there might be a clause in the act of Parliament directing them to transmit these several Laws and Ordinances to the King and Privy Council in England, to be by his Majesty in Council allowed or disallowed, as his Majesty shall see cause. Only they should be in force till disallowed, and, if not disallowed within a certain time, (as, for instance, two years,) they should then be in force for ever, unless repealed by act of Parliament. Laws and Ordinances founded on such a parliamentary authority will easily find obedience from the people, which it is to be feared no others will; and the Judges of the province will carry them into execution with ten times as much spirit and confidence as if they were doubtful of their legal validity.

Suppose a criminal in Canada to be guilty of an offence that is capital by the laws of England, but is not so by the laws of Canada that have hitherto been received, (a supposition that is no way difficult, as the criminal law of England abounds with capital offences) in what manner shall such a man be punished, unless there is a parliamentary declaration determining the punishment that shall attend his crime; Could any lesser authority warrant the infliction of death for such a crime? Or would any Judge chuse, though he should be sure of never being called to account for it, to pass such a sentence without this highest authority? But, i. the punishments of crimes be settled by authority of Parliament, whether immediately by the Parliament itself, or mediately by ordinances made by the Governor and

and Council of the province, by virtue of a legislative authority communicated to them by act of Parliament, the judges will be under no other difficulty what punishments to inflict upon the several criminals that come before them, than they are in Great Britain itself.

Some persons are of opinion, that the laws of Great Britain do at once take place in a conquered province, without any authoritative introduction of them, either by the King, or the Parliament. But this opinion seems destitute of foundation, and is sufficiently refuted by the advice of the learned Mr. Yorke, His Majesty's Attorney-General, who has advised that the Canadians should be permitted to retain their own Laws, relating to Inheritances and the Alienation of their real estates, which would be impossible without an act of Parliament for that purpose, if the whole system of the Laws of England did *ipso facto* become the Law of the province upon its being conquered, or ceded to the Crown. Indeed, the whole system of the Laws of England, taken in the gross, and without a selection, would be by no means a blessing to the Canadians. The game-laws, the poor-laws, the fictions and subtleties in various sorts of actions and conveyances, the niceties arising from the doctrine of uses, and the tedious and operose instruments founded on them, would really be a great misfortune to them; and, from their novelty and strangeness, would be thought to be a much greater. This Doctrine therefore of the instant validity of the whole mass of the Laws of England throughout the conquered province cannot be true. And if the whole system of those laws is not valid there, then certainly no part of them can be so. For if they are, then who shall distinguish which of them are valid there, and which are not?

It may therefore be concluded, as at first, that none
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of the laws of England are valid in the conquered province *ipso facto* by virtue of the conquest, or cession, without a positive introduction there by a sufficient authority: and this sufficient authority seems, for the reasons already mentioned, to be only the Parliament of Great Britain.

Settlement
of the
Revenue.

The next great difficulty that calls loudly for the interposition of Parliament, is the low state of the Revenue of the province of Quebec. Under the French government this Revenue amounted to about thirteenthousand pounds *per annum*, but is now sunk to less than three thousand. The cause of this is the change in the course of trade; by which means it falls-out, that those taxes which formerly produced the principal part of the revenue, do now, though still in force, produce nothing at all. The principal of those taxes was a duty upon French wines, which were imported there from old France in great quantities. This single duty produced 8000*l.* a year; now it produces nothing, because no wines are allowed to be imported there from old France. Nor would it be replaced by an increase of the consumption of Spanish or Portuguese wines, supposing the tax might be construed to extend to those wines; for the Canadians do not like them, and will not drink them. From a like cause, another duty which formerly made a considerable part of the publick revenue, which was a duty upon French brandies imported from old France, and French rums imported from the French West-India islands, now produces nothing at all. From these causes the Revenue is sunk so low that it is insufficient to defray the expence of the civil government, though the establishment of it is so very moderate. It is therefore become necessary, either for the treasury of England to issue a sufficient annual sum to make good the salaries

salaries of the several Officers of the Government, or that some new tax should be imposed upon the inhabitants, in aid of those which by reason of these accidents have failed, sufficient for all the purposes of the Government. And if this latter method should be adopted, it is presumed that the authority of Parliament will be the proper power to have recourse to, that there may be no colour or pretence for contesting the legality of the taxes so imposed. This power also the Parliament may exercise, either immediately itself by imposing a tax upon the province of Quebeck this very session, before the Parliament rises, or it may delegate to the Governour and Council a power to impose such taxes as they shall find necessary for the support of the Government, subject, as above, to the disallowance of the King and Privy Council, in order to prevent abuses, and with proper clauses of Restriction and Appropriation of the money so raised, in order to prevent a misapplication of it, either by the Officers of the province, or at home.

If the Parliament should think proper itself to lay a tax upon the province, Information has been received from persons well acquainted with the state and trade of the province, that British spirits would be the commodity that could best bear a duty, and would produce the best revenue; that there are annually imported into the province about 250,000 gallons of these spirits, and that they might bear a duty of three-pence a gallon, without hurting the trade, but not more; and this would produce about 3000*l.* a year.

The malicious and desperate enemies of an upright and popular Administration, may perhaps traduce such a measure as inconsistent with their late indulgent conduct with respect to the other American colonies in the late repeal of the stamp-act. But the difference of the

cases is too striking to make such a calumny in the least degree formidable. The other American colonies have internal legislatures of their own, who have been permitted, ever since their first establishment, to be the assessors of all their internal taxes; and, as they had not abused this privilege with which they had been so long indulged,—and further, as their exercising this privilege seemed to be noway prejudicial to the mother-country,—it seemed to have been a harsh and ungracious measure in the Parliament, by the advice of the late ministry, to revive and exert a dormant and inherent right of taxing them; which, however, the whole Parliament, excepting a very few members of both houses, have highly declared themselves to be possessed of. But the Canadians have no such internal legislature, no such usage of taxing themselves by representatives of their own choosing. Unless, therefore, they have the singular privilege of not being liable to be taxed at all, they must be liable to be taxed either by the King alone, or by the King and Parliament; and the milder of these two opinions is, that they are taxable by the King and Parliament. Those therefore who should promote the taxing them by authority of Parliament, would act like the truest friends to civil liberty, and with the same spirit of mildness and moderation that conducted them in the repeal of the stamp-act.

If it should be said, that the province of Quebeck ought to have an Assembly in the same manner as the other American colonies, and that the taxes ought to be imposed by the consent of such an Assembly, it will be sufficient for the present purpose, and to support the measure, here suggested, of taxing them by authority of Parliament, to answer, that as yet no such Assembly has been constituted; and till an assembly is erected, whether

whether that time be short or long, the safest and mildest method of imposing taxes is to do it by authority of Parliament.

As to the erecting an Assembly in that province, it is a measure which probably will not for some years to come be found expedient. If an assembly were now to be constituted, and the directions in the Governour's Commission, above alluded to, were to be observed, by which none of the members elected there are to be permitted to sit and vote in the Assembly till they have subscribed the declaration against Popery, it would amount to an exclusion of all the Canadians, that is, of the bulk of the settled inhabitants of the province. An Assembly so constituted, might pretend to be a representative of the people there; but in truth it would be a representative of only the 600 new English settlers, and an instrument in their hands of domineering over the 90,000 French. Can such an assembly be thought just or expedient, or likely to produce harmony and friendship between the two nations? Surely it must have a contrary effect.

On the other hand, it might be dangerous in these early days of their submission, to admit the Canadians themselves to so great a degree of power. Bigotted, as they are, to the Popish religion, unacquainted with, and hitherto prejudiced against, the laws and customs of England, they would be very unlikely for some years to come, to promote such measures as should gradually introduce the Protestant religion, the use of the English language, or the spirit of the British laws. It is more probable they would check all such endeavours, and quarrel with the Governour and Council, or with the English members of the Assembly, for promoting them. Add to this, that they are almost universally ignorant

Of an
Assembly.

of the English language, so as to be absolutely incapable of debating in it, and consequently must, if such an Assembly were erected, carry-on the business of it in the French language; which would tend to perpetuate that language, and with it their prejudices and affections to their former masters, and postpone to a very distant time, perhaps for ever, that coalition of the two nations, or the melting-down the French nation into the English in point of language, affections, religion, and laws, which is so much to be wished-for, and which otherwise a generation or two may perhaps effect, if proper measures are taken for that purpose. And further, it may be observed, that the Canadians themselves do not desire an Assembly, but are contented to be protected in the enjoyment of their religion, liberties, and properties, under the administration of his Majesty's Governour and Council. If, to give a proper stability to this mode of government, it is carried-on by authority of Parliament, and is properly superintended, (as no doubt it will be,) by the wisdom of his Majesty's Privy-Council, they will think themselves extremely happy under it. The persons who most desire the immediate constitution of an Assembly, are some of the six hundred English adventurers, who probably are ambitious of displaying their parts and eloquence in the characters of leading Assembly-men.

But, if an Assembly is to be constituted, even this too had better be done by act of Parliament than by the King's single authority, as it is no less than severing from the general body of his Majesty's dominions a particular part of them, with respect to the purposes of making laws and imposing taxes. Could the King, if he thought proper, and a particular County of England was to desire it of him, sever that County from the
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rest of England, and no longer summon any of its members to Parliament, but, instead thereof, constitute a little Parliament in that County itself, that should make laws and lay taxes for the inhabitants of that single County? It is presumed that he could not: and the erecting an Assembly in a conquered province is an act of much the same nature. It is true indeed, that some of the American Charters and Assemblies owe their rise to this authority: but this was in the reigns of the STUARTS, who were fond of extending their Prerogative; and, on account of the inconsiderableness of the colonies at that time, these things were then unnoticed; so that they do not prove the strict legality of the practice. Since that time these Charters have been put in practice by the Colonies, and acquiesced-in by the mother-country, and in some measure recognized in Parliament; and this usage, acquiescence, and recognition, are in truth their best support.

But, if an Assembly is to be constituted, in which the Catholics or Canadians are to be admitted, (as in justice and reason they ought to be, if any assembly at all is to be erected) the authority of Parliament seems to be still more necessary to give validity to such a measure.

For the reasons that have been just now mentioned, it seems evident that the measure of erecting an Assembly in the province of Quebec is somewhat premature. How soon it will become expedient and proper, Experience only can shew. But in the mean time, however short that time may be, it seems necessary to have recourse to the authority of Parliament for settling the government of the province, and removing the difficulties that obstruct that settlement in the three great articles of Religion, Law, and Revenue. It is therefore the humble request of all the gentlemen who have lately

appointed to the principal Offices in the government of Quebec, to his Majesty's Ministers of State, that they would use their influence and endeavours to procure such an act of Parliament as they shall, upon the whole matter, think to be necessary, to remove the difficulties that have been stated, and to enable the said gentlemen to administer the government of that province in their several departments, with security to themselves, and advantage to the province.

Signed,

Perhaps an act of Parliament to the following purport might answer the intended purposes.

A sketch of an act of Parliament for tolerating the Roman-Catholick religion in the province of Quebec, and for encouraging and introducing the Protestant religion into the said province, and for settling the Laws, and augmenting the publick Revenue of the same.

CHAP. I.

Concerning the Toleration of the Roman-Catholick Religion.

WHEREAS it has been humbly represented to the King's Most Excellent Majesty, by His loyal and faithful subjects, the French inhabitants of the province of Quebec, that they are, for the most part, members of the church of Rome, and are, from motives of conscience, most earnestly desirous of a permission to continue in the same church, and to worship the Supreme Being according to the rites and ceremonies thereby prescribed, and have alledged that they conceive themselves to have some reasonable claim to such permission and indulgence,

ence, not only from the innate goodness and clemency of his Majesty's disposition, which inclines him at all times to shew himself a tender father of all his people, and the generosity, which always actuates the Parliament of Great Britain, to co-operate with his Majesty in all such his gracious purposes, but from a stipulation made in this behalf in the fourth article of the last definitive treaty of peace concluded at Paris, in the year of our Lord one thousand seven hundred and sixty-three which is contained in these words: "His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada. He will consequently give the most effectual orders that his new Roman-Catholic subjects may profess the worship of their religion, according to the rites of the Romish church, as far as the laws of Great Britain permit." And whereas certain doubts have arisen, and may arise, whether the laws of Great Britain will permit the exercise of the Roman-Catholic religion in any degree, even in the remotest dominions of the Crown of Great Britain: and whereas His Majesty and the British Parliament judge it to be reasonable in the present case to grant a toleration of the exercise of the said Roman-Catholic religion throughout the said province of Quebec, both on account of the almost universal prevalence of that religion among the French inhabitants of that province, and the stipulation in that behalf made in the definitive treaty of Paris, as is above mentioned; yet not without such restrictions as may prevent the ill consequences that might otherwise follow from such indulgence: IT IS THEREFORE ENACTED, by his said Most Gracious Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons, in Parliament assembled, that

Toleration
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it shall and may be lawful for the Curates and Vicars, and other priests belonging to the several parishes in the Province of Quebeck, to celebrate the mass, and to administer the sacraments of the church of Rome, and to perform all the other functions of the priestly office, according to the rites and ceremonies of that church; and that it shall also be lawful for any of the inhabitants of the said province to attend the mass, or other Roman-Catholick offices of religion, without any hindrance or molestation; any law, statute, or custom, of England to the contrary thereof in any wise notwithstanding.

Seminaries
for Roman-
Catholick
priests.

And, to the end that the said Roman-Catholick inhabitants of the said Province of Quebeck may be under no necessity, or temptation, to keep-up a correspondence with Old France, in order to be supplied with Roman-Catholick priests to officiate in their several parish-churches, upon the several vacancies which may happen by the deaths of the present Incumbents, IT IS HEREBY FURTHER ENACTED, that it shall and may be lawful for the Governour, or Commander in chief, and Council of the said Province, to tolerate and licence by an ordinance made and published for that purpose, such and so many of the Seminaries already established in the said province for the education of persons intended for holy orders according to the church of Rome, as they shall think sufficient to supply a proper number of the said Popish priests for the service of the Roman-Catholick inhabitants of the said Province. And the said Governour, or Commander in chief, and Council of the said Province shall have power by new Ordinances to tolerate more, or fewer, of these Seminaries, as occasion may require.

Roman-
Catholick
Bishop.

And, to the end that the persons that dedicate themselves to the service of the church, according to the rites
of

of the Romish religion, may be enabled to receive Episcopal Ordination, according to the forms of that church without going to Old France, or any other Roman-Catholick country of Europe, for that purpose, IT IS HEREBY FURTHER ENACTED, that it shall be lawful for His Majesty to appoint from time to time, by letters-patent under his great seal of Great Britain, or to empower the Governour, or Commander in chief, of the said Province, to appoint, by letters-patent under the seal of the Province, a Bishop, or Superintendent, of the Roman-Catholick clergy of the said province, with such reasonable salary, not exceeding the sum of four hundred pounds sterling a year, as His Majesty, by the advice of his Privy Council, shall direct, to have and to hold the said office of bishop, or superintendent of the Roman-Catholick clergy, and the revenue thereto annexed, during his Majesty's pleasure.

Also it is hereby provided, that the Governour, or Commander in chief, of the said Province of Quebeck, shall present all the Roman-Catholick priests to the several parish-churches, whenever they become vacant; and the Bishop, or Superintendent, shall, upon such presentation, institute them to the same. And it shall be lawful for the said Governour, or Commander in chief, to present to the said churches, and for the said bishop to institute thereto, any of the Jesuits, or other monks, now belonging to any of the monasteries, or religious houses, in the said province of Quebeck. But no other Jesuits, or monks of any other religious order whatsoever, besides those that are now in the said province, and no secular priests whatsoever, but such as were, or shall hereafter be, educated in the Canadian Seminaries, shall be capable of being presented, or instituted, to any of the said churches.

Governour
shall pre-
sent to
all the
churches.

Regulation
of the
Seminaries.

Also it is hereby further provided, that the Governour and Council shall have power to regulate, as often as they think proper, by Ordinances made for that purpose, the severall Seminaries which they shall think fit to tolerate and license, as aforesaid.

Carrying
the Host
in proces-
sion.

Also it is further provided, that it shall be lawful for the Governour and Council to prohibit, or restrain, in any manner they think proper, the carrying-about the Host in procession through the streets and publick highways, by an Ordinance made and published for that purpose, and to confine the exercise of the Romish religion to churches and private houses, in order to avoid giving offence and scandal to the English inhabitants and others of the Protestant religion.

Marriages
of Priests.

Also it is further enacted, by the authority aforesaid, that it shall and may be lawful for the aforesaid Roman-Catholick bishop, or superintendant, and likewise for all the Roman-Catholick priests, so as aforesaid tolerated in the said province, to enter into the holy state of matrimony, if they shall so think fit, without incurring any damage, censure, or disability, ecclesiastical or temporal, whatsoever; any canon, rule, law, or custom of the Romish church, to the contrary thereof in any wise notwithstanding. And the children arising from such marriages shall be, and be deemed, legitimate to all intents and purposes.

Establish-
ment of
church-
dues.

And, to the end that the Roman-Catholick clergy that are hereby tolerated may have a reasonable maintenance suitable to their office and character, IT IS FURTHER ENACTED, that the same legal profits and dues, whether they be glebe-lands or tithes, or of any other kind whatsoever, that belonged or were payable to the Roman-Catholick priests of the severall parishes in the time of the French government, and might then

then have been recovered by process of law, in any Court either spiritual or temporal, and were not mere voluntary donations or oblations, shall still belong to the said Roman-Catholick priests, and be paid to them by the Roman-Catholick inhabitants of their respective parishes, and the payment of them by such Roman Catholicks shall be enforced by process of law in the Court of the Chief Justice of the province, by some short and convenient suit to be appointed for that purpose by the Governour and Council of the province, by an Ordinance made and published by them for that purpose. And, in order to prevent unnecessary disputes concerning these profits and dues, the said Chief Justice of the province shall enquire by the oaths of twelve, or more, Canadian house-keepers of good reputation in every parish throughout the province, what those legal profits and payments were in the time of the French government, and shall transmit a written account of the same to the Governour and Council of the province, who shall thereupon cause them to be printed. And two copies of the said printed lists of the said profits and dues shall be preserved, the one among the records of the Council, the other among the records of the Court of the Chief Justice, and shall be deemed authentick evidence, on all future occasions, of the dues of the clergy in the several parishes of the said province.

And further, whereas it can be in no degree necessary to the free exercise of the Roman-Catholick religion in the said province of Quebeck, that the Cathedral or Collegiate-churches of deans and chapters, or the religious societies of monks and nuns, should be permitted to continue and, as there is reason to apprehend that the continuance of them might prove detrimental and burthen some to the said province, IT IS THEREFORE
HEREBY

Collegiate
churches,
and religi-
ous houses.

HEREBY FURTHER ENACTED, that all such members of any Cathedral or Collegiate churches, or religious societies, as think proper to depart from them and resign their rights to any profits from them, and cease to be members of them, whether they be Deans, or Prebendaries, or Canons, or other members of any Cathedral or Collegiate church, or monks, or nuns, or other members of any religious society or monastery, shall be at full liberty to depart therefrom, whensoever they think fit: any custom, law, or statute of such Cathedral or Collegiate church, or religious society, or any canon, rule, law, or custom of the Romish religion, to the contrary hereof in anywise notwithstanding.

Also it shall be lawful for any of the said Deans, or Prebendaries, or Canons, or other members, of any Cathedral or Collegiate church in the said province of Quebeck, and for any Abbot or Prior, Abbess or Prioress, monk or nun, or any other member of any monastery or religious house in the said province, to enter into the holy state of matrimony, if they shall think fit so to do; any law, canon, or custom of the Romish religion to the contrary thereof in any wise notwithstanding. And the said marriages shall be valid, and the issue of them legitimate, to all intents and purposes whatsoever.

All such of the said persons as enter into the holy state of matrimony shall be deemed to have thereby departed voluntarily from the Cathedral, or Collegiate church, monastery, or religious house, to which they belonged, and to have renounced all their connection therewith, and all their right to any profit arising from them.

Also it is hereby provided, that no new members be admitted hereafter into any of the said Cathedral or Collegiate churches or monasteries, or religious houses;

but

but that those who are there already, and desire to continue there, be permitted so to do during their lives; and that after the death, or marriage, or voluntary departure, of all the members of all the said Cathedrals or Collegiate churches, monasteries, or religious societies, their houses, lands, revenues, and goods of every kind, moveable and immoveable, shall be taken into the King's hands, and make part of the publick revenue of the Province; and that in the mean time the stipends of such members of the said Cathedral or Collegiate churches, monasteries, or religious houses, as either die, or marry, or voluntarily depart from the said churches or religious houses, shall not accrue to the surviving or remaining members of the said societies, but shall be immediately taken into the King's hands, and make a part of the said publick revenue of the Province.

Also, to the end that the Roman-Catholick inhabitants of the said province may, by the free exercise of their reason, and the light of the holy gospel, be converted from the errors and superstitions of the church of Rome, to the profession of the true Protestant religion; **IT IS HEREBY FURTHER ENACTED**, that it shall be lawful for all the inhabitants of the said province, Roman-Catholicks as well as Protestants, to read the books of the Old and New Testament in the French or English language, or in any other language whatsoever, any canon, rule, or custom of the Romish religion, to the contrary hereof in anywise notwithstanding. And no priest shall inflict any ecclesiastical censure, or penance, upon any Roman-Catholick inhabitant of the said province for so doing, upon pain of being imprisoned for a year, upon an indictment and conviction thereof before the Chief Justice of the province.

And,

Liberty to
read the
Holy
Scriptures.

Provision
of Protest-
ant mini-
sters for
future
converts
from the
Romish
religion.

And, whereas there is great reason to hope, that, by the pious examples and exhortations of persons that profess the Christian religion in greater purity, and by the free perusal of the holy scriptures, many of the French inhabitants of the said province that now profess the Roman-Catholick religion, may be converted from the errors and superstitions thereof to the belief of the true Protestant religion; upon which most desirable event it will be reasonable that they should have places of publick worship to resort-to, and ministers of the Gospel to perform divine service to them, and that such ministers should have a proper reward for their pious labours: IT IS HEREBY FURTHER ENACTED that, if, upon any vacancy of a parish-church by the death of a Roman Catholick Incumbent, a fourth part, or more, of the inhabitants that are housekeepers in the said parish, or, in case there are more than four-score housekeepers in the said parish, if twenty, or more, of the said housekeepers, shall present a petition to the Governour, or Commander in chief, of the said province, setting-forth that they are Protestants, and that they are desirous to have a Protestant minister among them, to perform divine service, and exercise all the functions of the ministry among them, and praying the Governour to appoint them such a minister, it shall in such case be lawful for the said Governour, or Commander in chief, of the said province, to nominate and appoint to such vacant church, a Protestant minister of the Gospel by letters-patent under the publick seal of the province, to hold the said office of a Protestant minister of the Gospel for the said parish during his natural life, or till he shall accept some other benefice, which shall instantly make his appointment to the former benefice void. And the said

Governour

Governour, or Commander in chief, shall at the same time present, as abovementioned, a Roman-Catholick priest to the same church for the benefit of the Catholick inhabitants of the said parish. And all the tithes and other dues that are to be paid by the Protestant inhabitants of such parish shall be paid by them to the said Protestant minister, and shall be recovered by him, by process of law in the same manner as they might have been recovered before by the Roman-Catholick priest of the said parish. And all the tithes and dues that are to be paid by the Roman-Catholick inhabitants of the said parish, shall be paid to the Roman Catholick priest of the said province. And the glebe-lands, and other profits of the church that do not arise from payments of any kind made by the inhabitants of the said parish, shall be divided between the Roman-Catholick priest and the Protestant minister of the said parish, in proportion to the numbers of the housekeepers that profess the Popish and Protestant religions, at the time of filling-up the vacancy of the church in the manner hereby prescribed. And this division of the profits of the church between the Popish priest and the Protestant minister shall be made by virtue of an Order in writing from the said Governour, or Commander in chief, made for that purpose under his hand. And this Order of the Governour, or Commander in chief, shall be final and shall be deemed to have ascertained the proportion of this division beyond all litigation. And upon such appointment of a Protestant minister to any vacant church, though a Romish priest be presented thereto at the same time, all relicks, images, pictures, and crucifixes, and other superstitious ornaments, shall be removed from the said church, in consequence of an Order to be made by the Governour, or Commander in chief, for that purpose, in writing

and under his hand. But they may be kept by the Roman-Catholick priest of the said parish, in some convenient place to be provided by him and the Roman-Catholick inhabitants thereof for that purpose; and may be brought into, and placed in, the said church, during the time of divine service, as often as occasion shall require, but shall at the end of such service be again removed thereout. And the said Governour, or Commander in chief, may cause his said order to be enforced in such a manner as to him shall appear most effectual and expedient.

Also it is hereby further enacted that, if, upon any vacancy of a parish-church in the said province by the death of the Popish priest thereof, it shall appear to the Governour's satisfaction, that three-fourth parts, or more, of the inhabitants that are housekeepers in the said parish, are Protestants, he shall not present any Roman-Catholick priest to the said church, but shall only appoint a Protestant minister thereto. And the said Protestant minister shall receive and enjoy all the profits of the said church. And in this case the Governour, or Commander in chief, of the said province, shall take order that all the reliicks, images, pictures, and crucifixes, and other superstitious ornaments of such church, shall be removed from the said church, to be never more set-up therein, and shall be either destroyed or otherwise disposed-of, as the said Governour shall think fit.

Oath of
allegiance
to be taken
by the Ro-
man-Ca-
tholick
priests.

Also it is hereby further enacted, that all the Roman-Catholick priests now in the possession of any churches in the said province, shall take the following oath of allegiance to his Majesty, appointed by the statute of 1 Geo. I. cap. 13. to wit, "I, A. B. do sincerely promise and swear, that I will be faithful and bear true allegiance to his Majesty King George. So help me
" God."

God." And this oath they shall take, either before the Governour and Council, or the Chief Justice of the province, or such other person or persons as the Governour and Council shall, by an ordinance to be made and published for that purpose, impower to administer the same unto them. And upon refusal to take the said oath, they shall be instantly deprived of their respective benefices in the church, and shall be incapable ever after of being presented to any benefices in the said province. And the Governour shall, as soon as conveniently may be, present another priest to the benefice thereby become vacant.

And this oath the Governour, or Commander in chief, is hereby required to administer, or cause to be administered, to all the said priests with all convenient expedition.

Also the aforesaid Roman-Catholick bishop, or superintendant of the clergy, shall take the said oath of allegiance before he can exercise any of the functions of the said office. And if he shall refuse so to do, being required thereto by the Governour, he shall thereby lose his said office of bishop, or superintendant, and shall be incapable ever after of holding that office or any other benefice or employment in the church during his life.

Also all the Roman-Catholick priests that shall hereafter be presented to any of the churches in the said province, shall, before such presentation, take the said oath of allegiance. Otherwise their presentation and institution to any of the said churches shall be void.

Also it shall be lawful for the Governour, or Commander in chief, of the said province, to require all Deans and Prebendaries, or Canons, or other members of any Cathedral or Collegiate church, and likewise all

superiors of any seminaries, and all Jesuits or other monks, or other members of any religious house, to take the said oath of Allegiance. And if they refuse so to do, their places, offices, and profits in such churches or societies, shall immediately be void and cease, and they shall be expelled from such societies.

They may likewise be required to abjure the temporal power of the Pope.

Also it shall be lawful for the said Governour, or Commander in Chief, to require the said Bishop, or Superintendant, and all the Roman-Catholick priests of the several churches in the said Province, both those that are now in possession of the said churches, and those that shall hereafter be presented to them, and likewise all the deans and prebendaries, or canons, or other members of any cathedral or collegiate church, and all the Jesuits and other monks, and other members of religious houses in the said Province, to take also the following oath, being the first part of another oath appointed to be taken by the foresaid statute of 1 Geo. I. cap. 13. to wit, "I, A. B. do swear, that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. So help me God." And those who, being required to take this oath, shall refuse so to do, shall incur the same penalties as have been above appointed for refusing to take the foresaid oath of Allegiance.

No appeals to Rome.

Also it is hereby further enacted, that no appeal shall be made in any matter whatsoever, spiritual or temporal, arising in the said Province, to the Pope or Bishop of Rome, or to any other foreign authority whatsoever; and that no jurisdiction, spiritual or temporal,

poral, shall be exercised by the said Pope, or by any of his legates, or by any other persons commissioned by him in the said Province of Quebeck, under any pretence whatsoever. And no bulls, or dispensations, or instruments of any kind, founded on the authority of the said Bishop of Rome, or on any other foreign authority whatsoever, shall be brought into the said Province. And whosoever shall bring into the said Province any such bulls, dispensations, or other instruments, founded on such foreign authority, and whoever shall exercise in the said Province any legantine or other authority derived from the said Bishop of Rome, shall, upon indictment and conviction thereof before the Chief Justice of the Province, be punished by confiscation of all his goods and chattels, and imprisonment at the discretion of the Court, and, if he be a secular priest, by loss of all such benefices as he may have in the church, and an incapacity of holding any ever after.

Churches
may be as-
signed for
the imme-
diate use of
the Protest-
ants.

And, to the end that the officers of the civil government of the said Province, and the officers and soldiers of the army that are quartered there, and the English merchants and settlers, and other Protestant inhabitants thereof, may be immediately accommodated with convenient places of publick worship, **IT IS HEREBY ENACTED**, that it shall be lawful for the Governour, or Commander in Chief, of the said Province, to cause such and so many of the churches already built in the said Province, as he shall think proper, to be prepared for the service of God according to the simplicity of the Protestant religion, by removing out of them all reliicks, images, pictures, and crucifixes, and other superstitious ornaments, and to order divine service to be performed therein at such hours, and by such Protestant ministers, as he shall think proper to appoint. And



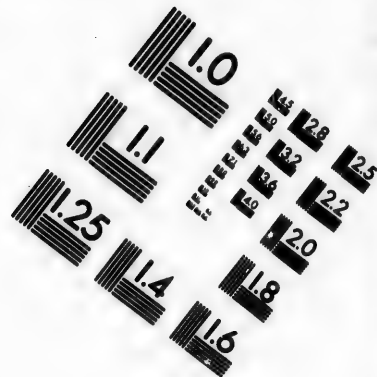
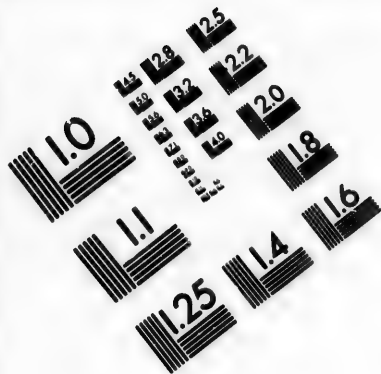
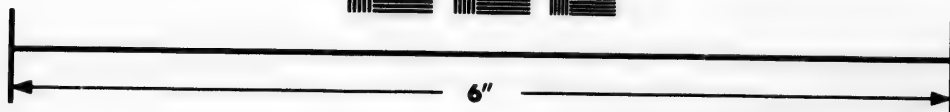
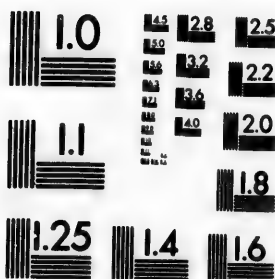


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the Romish priest, and other Roman-Catholick inhabitants of such Parishes, may at other hours of the day not interfering with those appointed for the Protestant service, perform and attend divine service there according to the rites of the Romish religion, and may at those times, if they think proper, replace in the said churches the said images and other church-ornaments, to continue there during the time of such divine service, but no longer; and, after such service is ended, they shall remove them to some convenient place to be provided by them for their reception and preservation.

Governour
and Council
may
make fur-
ther regu-
lations con-
cerning Re-
ligion.

And whereas it is probable, that many other regulations may be found necessary by persons residing in the said Province of Quebeck, and well acquainted with the state thereof, for encouraging and introducing the Protestant religion in the said Province; and others may become necessary hereafter as occasions and circumstances shall vary: In order therefore that all such regulations may be made from time to time with due attention and expedition, IT IS HEREBY FURTHER ENACTED, that it shall be lawful for His Majesty's Governour, or Commander in Chief, of the said Province of Quebeck, by and with the consent of the Council of the said Province, or a majority thereof, to make such laws and ordinances for the toleration of the Roman-Catholick, and for the settlement and encouragement of the Protestant, religion, as to them shall seem most fitted for those purposes. And the Ordinances so made shall be transmitted to His Majesty with all convenient expedition, to be by his said Majesty considered and examined in his Privy-Council, and to be allowed or disallowed as his Majesty, by the advice of his said Council, shall resolve. And, if such Ordinances are allowed by His Majesty, they shall be valid Laws until they are repealed by

Subject to
the disal-
lowance of
the King
in Council.

by some subsequent act of Parliament. And if they are not disallowed by His Majesty in Council within the space of three years, they shall likewise be valid laws until they are repealed by some subsequent act of Parliament. And further, they shall be binding from the time of their being made and published in the Province, and shall not become void, in case of a disallowance, till the arrival of such disallowance and the publication of it by the Governour.

CHAP. II.

Concerning the Settlement of the Laws in the said Province of Quebec.

AND whereas it is absolutely necessary for the welfare and good government of the said Province of Quebec, that a system of Laws should be established therein upon a solid and incontestable foundation; And whereas it may not be convenient to impose upon the inhabitants of the said Province the whole body of the Laws of England at once, and thereby intirely over-turn all the Laws and Customs by which the French inhabitants of the said province have hitherto been governed, and to which they are much devoted, nor on the other hand to leave all the said old Laws and Customs of the said Province in their full force without any alteration whatsoever; IT IS THEREFORE ENACTED, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and the Commons in Parliament assembled, that it shall be lawful for the Governour, or Commander in Chief, of the said Province, by and with the advice

Governour
and Council
shall

have power
to make
Laws for the
Province.

and consent of the Council of the said Province, or the majority thereof, to inquire into, revise, and examine the Laws and customs that have heretofore prevailed in the said Province, and to enact by Ordinances made and published for that purpose, such of the said laws and customs as they shall judge to be fit to be continued, and to make such alterations and reformati^ons thereof as they shall think reasonable, and to introduce such parts of the Laws of England, and to make such new Laws and regulations, as they shall judge to be conducive to the welfare of the inhabitants of the said Province, and the honour of the crown of Great Britain.

Subject to
the disal-
lowance of
the King in
Council.

And to the end that this great, but necessary, power, thus delegated by the Parliament of Great Britain to the said Governour and Council of the said Province of Quebeck, may not become detrimental to the said Province by any abuse, or injudicious exercise, thereof by the said Governour and Council, it is hereby further provided, that the Ordinances made by them by virtue thereof, be transmitted, as soon as they are made, to His Majesty in Council, in order to be there examined and fully considered, and finally allowed or disallowed, as His Majesty, with the advice of his said Council, shall think fit. But they shall be binding on all the inhabitants of the said Province from the time they are passed, until His Majesty's disallowance arrives in the Province, and is made publick by the Governour: and if they are not disallowed within three years, they shall no longer be subject to such disallowance, but shall continue to be valid Laws until they are repealed or altered by some subsequent act of Parliament.

CHAP. III.

*Concerning the Publick Revenue of the Province of
Quebeck.*

AND whereas the publick Revenue of the Province of Quebeck did in the Time of the French government amount to about thirteen thousand pounds sterling a year, but now is reduced to about three thousand pounds sterling a year by various causes, one of which is that since the conquest of the said Province by the British arms no French wines have been imported into the said Province from Old France, which in the time of the French government used to be imported thither in such quantities, that the duty imposed and levied on the said wines, used, one year with another, to amount to no less than eight thousand pounds a year; And, whereas certain doubts and difficulties have arisen, and may arise, whether certain other profits of the Crown and duties on various kinds of goods which were enjoyed by the Crown of France, and levied and paid in the time of the French government, should still of right continue and belong to the Crown of Great Britain, and be levied and paid as heretofore; And, whereas, if all the said profits and duties were fully enjoyed and paid as heretofore, yet still the publick Revenue of the said Province would fall very short of what it was in the time of the French government: In order therefore to remove the said doubts and difficulties, and likewise to restore the publick revenue of the said Province to such a condition as may be sufficient for defraying in a proper manner the expence of the Civil Government thereof, **IT IS DECLARED AND ENACTED** by the King's Most Excellent Majesty, by and with the advice
and

The
French
Taxes shall
still con-
tinue.

And a new
Duty be
laid of 3
pence per
gallon upon
British spi-
rits.

and consent of the Lords spiritual and temporal, and the Commons in Parliament assembled, that all such profits of any kind whatever as were enjoyed by the Crown of France at the time of the conquest of the said Province by the British arms, shall now belong, and of right ought to belong, to, and be enjoyed by, the Crown of Great Britain, and that all such duties upon any commodity of any kind exported from, or imported into, the said Province, as were levied and paid to the officers of the Crown of France at the time of the said conquest, shall now be levied and paid, and ought of right to be levied and paid, to the officers of the Crown of Great Britain; and further, that a duty of three-pence for every gallon be paid upon all British spirits of every kind imported into the said Province either from Great Britain, or Ireland, or the British West-India islands, or any other of the British dominions whatsoever, unless it shall be found and adjudged by the Governour and Council of the said Province, upon a careful inquiry and perusal of the edicts or ordinances of the French King whereby the several duties on goods imported into the said Province were imposed, that British spirits imported into the said Province were liable to pay a duty under the French government; and in that case the inhabitants of the said Province shall now pay the same duty as they were liable to pay under the French government immediately before the breaking out of the last war between the two Crowns of Great Britain and France, provided that the said duty does not exceed three-pence for every gallon; and, if it does exceed three-pence for every gallon, they shall pay only three-pence a gallon and no more. And in the mean time, and till it is declared by the Governour and Council what the duty on this commodity was under the

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the French government at the said time of the last breach between the two nations, the said duty of three-pence for every gallon on all British spirits imported into the said Province shall be paid.

And it is hereby further enacted and provided, that it shall be lawful for the Governour, or Commander in Chief, of the said Province, by and with the advice and consent of his Council, and according to Ordinances to be by them made and published from time to time for that purpose, to issue warrants under his hand to the Receiver-general of the publick revenue of the said Province to pay such sums, as by such Ordinances shall be appointed, to the persons appointed therein to receive the same, for purposes relating to the government and publick welfare of the Province; such as building or repairing barracks for soldiers, building or repairing churches for the use of the Protestant inhabitants of the said Province, assigning salaries, or other rewards, to such Protestant ministers as labour zealously and successfully in the conversion of the Roman-Catholic inhabitants of the said Province to the Protestant religion, and erecting schools for teaching the English language, building or repairing fortifications or other useful publick buildings, widening or repairing publick roads and highways, and the like useful purposes relating to the said Province of Quebeck. But it shall in no case be lawful for the said Governour, or Commander in Chief, to issue warrants for the payment of any part of the publick Revenue of the said Province, nor for the Receiver-general, or any other officer, of the Revenue in the said Province to pay, by virtue of such warrant, or of any other order whatsoever, any part of the said publick Revenue of the Province, to any person not residing in the said Province, nor for any purpose whatsoever

Publick
Money to
be issued
by Order of
the Govern-
our and
Council.

whatsoever but such as shall be expressed in an Ordinance of the Governour and Council made and published for that purpose, excepting only the salaries and fees of the Governour and other civil officers of the government of the said Province actually residing in the said Province.

Ordinances
to be signed
by the
Persons
who enact
them.

Also it is further enacted, that all Ordinances of every kind, whether for issuing money, making or introducing laws, or any other purposes whatsoever, shall be signed by the Governour, or Commander in Chief, and the majority of the members of the Council present at the time of making them. And these original draughts of the ordinances so signed shall be kept among the records of the Council.

FINIS.

The foregoing Tract and Sketch of an act of Parliament were drawn-up by me at the desire of General Carleton, (the Lieutenant Governour,) and Mr. Hey, the Chief Justice, of the Province of Quebec; and a few copies of it were printed for the inspection of the Marquis of Rockingham, and Mr. Dowdeswell, (the Chancellor of the Exchequer,) and General Conway, (the Secretary of State,) and Mr. Charles Yorke, (the Attorney-General,) and Mr. De Grey, (the Solicitor-General,) and others of his Majesty's servants, who were likely to take a part in procuring for them an act of Parliament to be the ground of their proceedings in the Settlement of the Government of that Province, if such a measure had been thought advisable. But no copies of it were published, or sold. Nor had either
General

General Carleton, or Mr. Hey, carefully read and examined every clause in the foregoing sketch of an Act of Parliament for the foregoing purpose, and given a deliberate assent to it; but they thought that, such as it was, it might be sufficient to point-out to his Majesty's Ministers the several important subjects which they wished to have determined, by the authority of Parliament, before they entered upon the discharge of their several offices in the Province; and the Ministers might alter and modify the proposed sketch of an Act of Parliament in the manner they thought proper, before they brought it into Parliament. But Mr. Yorke, the Attorney-General, was not inclined to bring the subject into Parliament; and the other servants of the Crown adopted his opinion, and accordingly no bill of the kind here described was brought into Parliament. The reasons for their refusal to employ the Authority of Parliament in this important and difficult business, I do not know: but I conjecture that it might be, partly, from the fear of engaging in violent debates, that might arise from the subject, on the extent of the Power of the Crown over conquered and ceded territories, and the effect of the mere conquest and cession of them as to the continuance, or discontinuance, of the old Laws that had prevailed in them before the conquest, and the right of introducing into them either all, or some, of the laws of England; and, if only some of them, then determining which should be so introduced, and which should not,—and as to what degree of indulgence ought to be shown to the Roman-Catholics in the said Province, and whether the Popish religion should be only *tolerated* there, by permitting the Roman-Catholics of the Province to attend Mass and all the Sacraments and Ceremonies of the

the Church of Rome, or to enjoy and practice *the worship* prescribed by that Religion, (which is all that is granted to them by the Capitulation of the Province with Sir Jeffery Amherst, in September, 1760; and by the Treaty of Peace between France and England, concluded at Paris, in February, 1763,) or whether the said Popish religion should be not only tolerated in the said Province, but *established* there, by giving the Romish Priests that officiate in the Province a legal right to demand their tithes, and other antient dues, by Law, and to sue for them in the Courts of Justice; which has since been enacted by the Quebec-act of the year 1774, though it had been asked by the French General, the *Marquis de Vaudreuil*, in the Capitulation of September, 1760, but refused by the wise and cautious English General, *Sir Jeffery Amherst*;—and whether it would be expedient to permit a Popish French Bishop to go into the Province, though the Province had done without one for six years, or, ever since the Surrender of it to General Amherst, in 1760; the former French Bishop having died a little before that event; (all which subjects might have afforded matter for long and warm debates in Parliament;) and, partly, from an opinion, that they themselves were not likely to continue long in the great Offices they then held; which opinion was but too well grounded, as they were removed from them about three months after, in the month of July, 1766. They might, also, perhaps, think it prudent to obtain more accurate informations concerning the state of the Province, in various important points; such as the number of English settlers there; the number of the French or Canadians, and their inclinations and qualities; the number of the Priests, Monks, and

and Nuns; the number of the parishes and the values of the tithes; the size and values of the several Seigniories, and the annual profits of them; and many other such interesting particulars; before they drew-up a plan to be presented to Parliament for settling their Laws and Government. But the two former reasons seem sufficient to account for their unwillingness at that time to bring the subject before the Parliament.

Whoever reads the foregoing sketch of an Act of Parliament with attention, cannot fail to observe that the person who drew it up was desirous of introducing by gentle means the Protestant religion amongst the French, or Canadian, inhabitants of the Province: and he may, in consequence, be somewhat surprized that it should contain a clause for permitting a Roman-Catholick Bishop to be sent into the Province, and to exercise his Episcopal functions there; which seems more likely to prevent, than to encourage, the conversion of the Roman-Catholicks from Popery to the Protestant Religion. To remove this surprize, I must inform my readers that I found that a resolution had been already taken by his Majesty's Ministers of that time to permit a certain Roman-Catholick Priest, who had long resided in the Province of Quebec, (though he was not a native of it, but of the Province of Britany in Old France,) to come from Quebec to England, in the winter of the foregoing year, 1765; and to go-over to the North of France, in the month of January, or February, 1766, in order to be consecrated by some Bishops in France, as Bishop of Quebec; which ceremony of Consecration was (as I was told,) performed at the City of *Amiens* in *Picardy*. And it was agreed amongst the King's Ministers of that time, that he should be permitted to return to Quebec in

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the spring of the same year, 1766, to exercise his Episcopal functions in the Province, as Bishop of Quebec. His name was *Olivier Briand*, or *Oliver Briand*; and he was a well-sized, comely, man, of about 50 years of age, of easy and agreeable manners, and said to be a man of sober and regular life, and unimpeached morals. And he accordingly went to Quebec in the said spring of the year 1766, and lived there many years in the exercise of his office of Bishop of Quebec; but, as I am informed, has been dead now several years, and has been succeeded by another Popish Bishop. Now, as this measure of permitting *Mr. Oliver Briand* to go to Quebec, in the character and station of a Bishop, and to exercise his Episcopal functions there, was already agreed to by his Majesty's Ministers, I thought it better to have it done openly by the Supreme Authority of Parliament, than privately and almost clandestinely, by the mere connivance of the Ministers of State, in opposition to the above-mentioned, important, and fundamental, Statute of Queen Elizabeth, which prohibits all exercise of the Pope's authority, or of any authority derived from the Pope, (as that of a Popish Bishop is expressly,) not only in the kingdom of England itself, and the dominions then belonging to the Crown, but in all the dominions that should belong to the Crown *in any future times*. And this must be my excuse for inserting in the foregoing sketch of an Act of Parliament the Clause for permitting a Popish Bishop to exercise his Episcopal functions in the Province of Quebec. For, as for the measure itself, "of permitting a Popish Bishop to reside there," I never could approve of it, nor, if I had been one of his Majesty's Ministers, whose consent had been necessary to its adoption, would I ever have consented to it.

I have

I have just now said, that this permission to Mr. Briand, to reside in the Province of Quebec, as Bishop of the Diocese, was given only *by the connivance* of his Majesty's Ministers of State of that time, because I never could find that there was any patent, or warrant, under his Majesty's Signature, or any of his Seals, that gave him the title of *Bishop of Quebec*, or, authorised him to ordain Priests, or execute any one of his Episcopal functions, but only an instruction either to the Governour or the Receiver General of the Revenue, (I forget which), in which he is called *Super-intendant of the Clergy*, with an order, (if I remember right,) to pay him the moderate sum of 200*l.* a year, for his support. And, perhaps, the unwillingness of his Majesty's Ministers to have this measure "of permitting a Popish Bishop to reside in the Province," publicly discussed, might be an additional reason to the two already mentioned, for their not chusing at that time to bring the settlement of the Laws and Government of the Province under the consideration of Parliament.

I was told at the time, by Mr. Fowler Walker, (a Barrister at Law, who practised with success and reputation in the Court of Chancery, and, who was well acquainted* with the then state of the Province of Quebec,)

* This Gentleman had been employed, by the agents of several of the English and Scotch merchants that were settled in the Province of Quebec, in drawing-up and conducting their complaints to the King in his Privy-Council, against the late General James Murray, (then Captain-General and Governour in Chief of the Province of Quebec,) for several acts done by him in his first office of Military Governour of the Province, as Commander in Chief of the Troops that were

beck,) that this permission, thus granted by connivance, to *Mr. Oliver Briand*, to return to Quebeck, in the character of Bishop of the Province, was obtained from his Majesty's Ministers of State at that time, and particularly from the Marquis of Rockingham, (who was considered as the principal Minister,) by the influence of the late celebrated Mr. Edmund Burke, who was at that time his Lordship's private Secretary, and who had then acquired, and ever after retained, a very great degree of his confidence. And I am much inclined to believe this to have been the case. For, otherwise, it seems somewhat surprising that, that respectable Nobleman, who, had been placed at the head of the Whig Party, and had been earnestly solicited and pressed, by the then Duke of Newcastle, (who thought himself too old to return again into that active and important station,) to accept the Office of First Commissioner of the Treasury, almost against his will, and who, therefore, might be supposed to entertain the sentiments that had always heretofore been professed by that party, and consequently to have considered *Poper*y and *Slavery* as the two grand objects of fear and abhorrence to all true English Patriots, against

quartered in it, during the years 1761, 1762, and 1763, and of some few acts done by him afterwards in his second office of Captain-General and Governour in Chief of the Province, in the years 1764 and 1765, which they alledged to be illegal and injurious to them; and by his conversations with these agents and with the merchants of London who were the correspondents of the said complainants, concerning the grounds, and proofs, and circumstances, of the Acts complained-of, he had acquired a more intimate knowledge of the state of the Province, and all that was done and doing in it at that time, than any other person that I then conversed-with.

F. M.

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the return of which, into the Laws and Government of the Nation, it was their duty to provide by every possible precaution; — I say, it seems very surprising, and almost unaccountable, that the great Leader of the Whig Party, should have consented to a measure so different from the former measures of that Party as this permission of a Popish Bishop to exercise his Episcopal functions, in the now English Province of Quebec, in direct opposition to the above-mentioned Statute of the first year of Queen Elizabeth. But the influence of Mr. Burke over the Political conduct of this worthy Nobleman is said to have been almost unbounded.

And, here, perhaps, it will be asked, How came Mr. Burke to give such advice, and interest himself so much in support of Popery? was he not himself a Protestant, and had he not always been educated in the Protestant Religion? or was there any truth in a report that was frequently mentioned in conversation, and even published in News-papers, concerning him, namely, that he had been educated in a College of Jesuits, at Saint Omer's, in Flanders; and afterwards, when come to Man's estate, had quitted the Church of Rome, and adopted the Protestant religion, the better to advance his fortune in the world? — In answer to these questions, I must declare that I believe he was educated in the Protestant religion, and always continued in it, and that the report of his having been educated in a College of Jesuits, at Saint Omer's, in Flanders, was entirely groundless. And of this I am the more assured from having had in my possession for a year, or more, about three years ago, a set of Letters of Mr. Burke, in his own hand-writing, written for the most part, in the year 1748, when he was only twenty

years of age, and when he was still a student in Trinity College, in Dublin; which he could not have been, unless he had been a Protestant. The greater part of these Letters were written to a young friend of nearly his own age, of the name of *Shackleton*, who was the son of a respectable Protestant School-master to whom Mr. Burke had been a scholar before he was removed to the University of Dublin. The letters are written in a style of cordial friendship and affection for his correspondent, and relate mostly to classical learning and fine writing, without any mention of the Roman-Catholick religion; and they shew that Mr. Burke at that time was ambitious of making a figure in the world as an elegant writer of Moral Essays, or Periodical Papers, such as *the Spectator* and the *Guardian*, after the example of Mr. Addison and Sir Richard Steele. And, indeed, it appears, that he and one, or two, of his young friends at Dublin College, did actually set-up a periodical paper of that kind in Dublin, but which was not continued for more than a few months. These letters were lent me by the reverend Dr. William Hales, D. D., rector of Killesandra, in the bishoprick of Meath, in Ireland, and were afterwards returned, according to his direction. They contain nothing very curious, or interesting, that might make it of importance to publish them; but they do honour to Mr. Burke's memory, as they shew him to have been a friendly, open-hearted, well-disposed young man, with an ardent love of elegant learning, and a laudable desire of distinguishing himself in the cultivation of it: and they prove, beyond a doubt, the falsehood of the story of his having been educated at the Jesuit's College of St. Omer's. But it is, nevertheless, certain, that Mr. Burke, in the subsequent part of his life, became (though not perhaps a papist,) a great

great *Philo-papist* (if I may be allowed to use that expression,) or favourer and protector of Papists, and a great enemy to all the Laws both in Great-Britain and Ireland that had been made from time to time to prevent them from renewing their repeated attempts to destroy the Government in both countries, to which the principles of their religion continually excited them: for *that* was the only ground upon which any of those restraining and disabling Acts of Parliament had been passed. And Sir Richard Musgrave, in his faithful History of the several rebellions in Ireland, informs us, in page 35, that, the first publick proof of this favourable disposition of Mr. Burke towards Popery, was given by him in the year 1762, or the second year of the reign of his present Majesty, when Mr. Burke was 34 years of age, and had been married for some years to an excellent and amiable young Lady, who had been educated in the Roman-Catholick Religion. Sir Richard speaks with so much candour of Mr. Burke, and with so much respect for his uncommon talents and attainments in Political knowledge and wisdom, that I shall here insert all he says upon the subject, and even the whole Section of his work in which he speaks of him, which, is intitled, "*Origin of the White Boys.*"

"ORIGIN
OF
THE WHITE BOYS."

*An Extract from Sir RICHARD MUSGRAVE'S
Memoirs of the Different Rebellions in Ireland,
pages 32, 33, 34,—46.*

"IN the year 1759, and under the administration of the Duke of Bedford, an alarming spirit of insurgency appeared in the South of Ireland, which manifested itself by the numerous and frequent risings of the lower class of Roman-Catholicks, dressed in white uniforms, whence they were denominated *white-boys*; but they were encouraged, and often headed, by persons of their own persuasion of some consideration. They were armed with guns, swords, and pistols, of which they plundered the protestants, and they marched through the country, in military array, preceded by the musick of bag-pipes, or the sounding of horns. In their nocturnal perambulations, they enlisted, or pressed into their service, every person of their own religion, who was capable of serving them, and bound them by oaths of secrecy, of fidelity, and obedience to their officers; and those officers were bound by oaths of allegiance to the French King, and Prince Charles, the Pretender to the Crown of England; which appeared by the confession and the information of several of the insurgents, some of whom were convicted of high treason, and various other

other crimes. The pretext they made use of for rising and assembling was, to redress the following grievances: The illegal enclosure of commons, the extortion of tithes-proctors, and the exorbitant fees enacted by their own clergy, though it appeared that they were deeply concerned in encouraging and fomenting them, in the commission of outrages.

" They committed dreadful barbarities on such persons as hesitated to obey their mandates, or refused to join in their confederacy; they cut-out their tongues, amputated their noses or ears; they made them ride many miles in the night on horseback, naked and bare-backed; they buried them naked, in graves lined with furze, up to their chins; they plundered and often burned houses; they houghed and maimed cattle; they seized arms, and horses, which they rode about the country, and levied money, at times even in the day. I shall refer the reader to Appendix, No. I. for their designs and practices.* They resembled the modern defenders in every respect, except in the title which they assumed; and their object was exactly the same, that of subverting the constitution, and separating Ireland from England, with the assistance of France.

" These miscreants became so formidable in many parts of the Provinces of Leinster and Munster, that many laws, which I shall explain in the sequel, were enacted for their suppression.

" In the year 1762, the Marquis of Drogheda was

* * There is a gross misrepresentation of these Insurgents in the Encyclopædia Britannica, under the title of Ireland, printed by James Moore in College-green, in the year 1790.

sent to command a large district in the Province of Munster, and made Clogheen in the County of Tipperary, his head-quarters ; at that time much disturbed by the white boys, who used to assemble in bodies of from five hundred to two thousand.

“ On the night of the day on which he arrived at Clogheen, a number of white boys, well-armed and headed by Father Nicholas Sheehy, assembled close to that town, and were on the point of attacking it, which induced his Lordship to double the guard. From this, the inhabitants of it, having a suspicion that he was going to march-out against the insurgents, Father Doyle, parish-priest of Ardsinnan, (alluded to in the information of David Landregan, Appendix No. I. 2.) after having expostulated with them on the danger of assaulting the town, went to Lord Drogheda, pale and trembling with fear, assured his Lordship that his garri-son was in no danger, and besought him not to march-out against the insurgents. I received this information from the Marquis himself, and it corresponds exactly with the deposition of Landregan.

“ His Lordship’s regiment killed great numbers of them, in that and the adjacent country ; and he assured me, that French money was found in the pockets of some of them.

“ His Lordship, during his residence there, took the famous Father Nicholas Sheehy, who was afterwards hanged at Clonmel. He had been a noted leader of the White-boys, and incited them to commit murder, and various outrages ; and yet his memory is held in such veneration by the popish multitude, and the clay of his tomb is supposed to be endued with such supernatural powers, that various miraculous cures are imputed

puted to it ; in consequence of which, it is in such request among the popish rabble, that the sexton of the church, where the body was interred, is obliged very often to renew it.

“ The Marquis of Drogheda took, in the Castle of Cahir, the domestick chaplain of the then Lord Cahir, who constantly resided with his Lordship, on serious charges against him for high treason.

“ It is most certain, that the *white-boy* system was at first formed to co-operate with the French, who meditated an invasion of Ireland under Conflans ; but when that was defeated, and even during a time of profound peace, the barbarous rabble, free from all moral restraint, elate with the hope of plunder, and fraught with disaffection to a Protestant state, continued to commit the most horrid enormities in many parts of Leinster and Munster, for above twenty-five years after.

“ John Twohy states in his information, that they begun to enlist men for the French so early as the year 1756. See Appendix, No. I. 7.

“ At first they were headed, marshalled, and disciplined, by officers who had served in the Irish brigades, in the French service ; but when peace was concluded, their leaders consisted of popish farmers and persons in a mean situation.

“ Mr. Conway, an Irish Roman-Catholick gentleman, resident at Paris, used to remit money to them, on the part, and by the orders, of the French Government ; and some popish merchants, of the province of Munster, who received and distributed it among the insurgents, were afterwards Members of the Catholick Committee in 1792.

“ In the year 1762, they committed such dreadful
excesses

excesses in the South of Ireland, that Sir Richard Aston, Lord Chief Justice of the Common Pleas, was sent down with a special commission to try them : and the mistaken lenity which he shewed them, in the course of his circuit, was such, that it encouraged them to persevere in the commission of enormities for some years after.

“ The late Earl of Carrick and the Reverend Mr. Hewetson, in the County of Kilkenny, Sir Thomas Maude, Baronet, (afterwards Lord de Montalt,) William Bagwell and John Bagenall, Esquires, of the County of Tipperary, took a very active part in suppressing the White Boys ; for which they were as much traduced and vilified as the Orange-men, yeomen, and all loyal subjects, who endeavoured to put-down the defenders.

“ The Grand Jury of the County of Dublin were so much incensed at this, that they voted an address of thanks, Appendix I. 6. to the Earl of Carrick, and those gentlemen, for their spirited and laudable exertions. It appears by the examination of David Landreghin, (Appendix No. I. 2.) that a party of White Boys took a solemn oath, in the Town of Clomnel, to assassinate the Earl of Carrick and the other gentlemen.

Of Mr. Edmund Burke.

“ As Mr. Edmund Burke, who always shewed a decided attachment to Popery, manifested it for the first time on this occasion, I shall, in touching on it, relate a few of the early circumstances of his life.

“ In doing so, I must premise, that I do not mean to disparage him. I had the honour of being acquainted with him; and I was so sensible of his exalted moral and intellectual excellence, that I gave the following character of him in a pamphlet published in London by

by J. Stockdale in 1794, which was noticed in the Monthly Review of April, 1795:

“ His book on French affairs contains more political wisdom, and more profound knowledge of practical government, than any that ever appeared; and in future ages will tend to endear the British constitution to its subjects. Of his excellent Book on the French Revolution.

“ The bright effulgence of his genius, like the sun, raised-up some buzzing insects, who cavilled at the doctrines which he advanced; but the state of France proves the futility of their assertions, and that he spoke prophetic truth.

“ His long and luminous life, devoted to the cause of wisdom and virtue, was more bright in its setting, than the meridian blaze of most other geniuses.’

“ He was the son of a popish Solicitor in Dublin, at the University of which he received his education; but I have been assured by his contemporaries, that he did not, in the course of it, display any symptoms of those shining abilities, which afterwards made the progress of his life so brilliant.

“ Soon after he went to the Temple to study the law, he married a daughter of Doctor Nugent, who had been bred at Doway, in Flanders, and was a most bigotted Romanist. A year after he had gone to the Temple, Mr. Griffith, who was at that time serving his apprenticeship to Mr. Burke’s father, informed me, that his master sent him to London, relative to some law-business, and that Mr. Edmund Burke detained him many days longer than he had permission to remain there: that during his stay, he seemed much agitated in his mind, and that, when they were alone, he frequently introduced religion as a topic of conversation,

versation, and said, that he had strong reasons for thinking more favourably of the Romish persuasion than he formerly did. For these reasons, this gentleman assured me, he verily believed, that he was become a convert to Popery.

“ Soon after this gentleman’s return, Mr. Burke, senior, having heard a report that his son had really changed his religion, was much concerned at it; because he had entertained the most sanguine hopes that he would acquire great wealth and fame at the Irish bar, from practising at which Romanists were excluded by law.

“ He therefore employed Mr. Bowen, his brother-in-law, who, as a linen merchant, had a very extensive correspondence in London, to make strict enquiry about the conversion of his son.

“ Some days after, Mr. Bowen entered his office, and in the presence of the gentleman who gave me this information, threw him a letter, saying, ‘ There, your son is most certainly become a Roman-Catholic.’ On reading the letter, Mr. Burke became furious, lamenting that the rising hope of his family was blasted, and that the expence he had been at in his son’s education was now thrown-away.

“ As some of the greatest men, even at an advanced period of life, have become slaves to the passion of Love, it is very possible that Mr. Burke, in the spring of life, when its influence is irresistible, and endued with a lively imagination, and all the tenderness of sensibility, might have conformed to the exterior ceremonies of Popery, to obtain Miss Nugent, of whom he was very much enamoured; but it is not to be supposed, that a person of so vigorous and highly-cultivated an understanding,

standing, could have continued under the shackles of that absurd superstition.

"At last, when he had served a sufficient number of terms to be called to the bar, he refused to return to his native country, declaring, that the climate of it disagreed with him; and that he expected to get some employment in the line of his profession in America, through one of the Grenville family. He therefore remained in London, where he subsisted chiefly by his pen, and he soon acquired a considerable degree of celebrity, as a writer, and a man of genius, by his publication of his *Treatise on the Sublime and Beautiful*, and by his *Vindication of Natural Society*, in imitation of Lord Bolingbroke, which introduced him to the notice and acquaintance of Mr.* Hamilton. When that gentleman came to Ireland, as Secretary to the Earl of Halifax, he, wishing to avail himself of Mr. Burke's talents, solicited him to attend him, but in no official capacity; and he accordingly complied.

"He accompanied him a second time to Dublin, when Mr. Hamilton was Secretary to the Earl of Northumberland; and was rewarded with a pension of 300*l.* a-year.

"When they returned to England, Mr. Hamilton intended to have spoken a speech on the peace in the year 1763, which he had prevailed on Mr. Burke to compose.

"It unfortunately happened, that, as he was about to rise, Mr. Charles Townshend entered the house; and, as his wit and eloquence had been always terrific to him, his appearance palsied his exertions, and struck him dumb. Mr. Burke, enraged at this, (as they had united their talents in a kind of partnership) said, with

* William Gerrard Hamilton, Esq.

some warmth, 'What signifies my making speeches for you, when you cannot speak them?'

"A warm altercation ensued, in the course of which Mr. Hamilton informed Mr. Burke, that he had been overpaid; on which Mr. Burke, with becoming spirit, resigned his pension, which was afterwards given to a gentleman who enjoys it at this time. Mr. Mc. Cormick, in his Life of Mr. Burke, is mistaken in this circumstance. Their quarrel became a matter of curiosity and debate, in the superior circles of society, in which the partizans on each side were very warm.

"The discussion of this affair introduced Mr. Burke to the notice of Lord Rockingham, who having formed a friendship for him, made him an under-secretary in the Treasury; but having lost that employment in six months, the period of his lordship's administration, he brought him into Parliament, where the eloquence and the great intellectual powers displayed in his speeches, will remain a striking and an eternal monument of his genius.

"When the enormities committed by the White Boys were about to draw on them the vengeance of the law, and some time before Sir Richard Aston proceeded on his commission to try them, Mr. Edmund Burke sent his brother Richard, (who died Recorder of Bristol,) and Mr. Nagle, a relation, on a mission to Munster, to levy money on the Popish body, for the use of the White Boys, who were exclusively Papists.

"Some Roman-Catholicks complained bitterly of the sums of money which they extorted from them. * The
despotism

"*I have no other proof that these gentlemen were employed by Mr. Burke, than that they declared so without reserve to the persons from whom they obtained money. In doing so,
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despotism which the Romish prelates have over their own body is such, that they can at any time levy large sums of money on them, to promote the interest of their Church, which is a most dangerous engine in a well-governed state. The open and general exercise of it in the years 1792, and, 1793, and again in 1794 and 1795, was sufficient to create an alarm in the Government. At those periods, some of the lower classes of people in Munster complained loudly of the exactions practised on them; and, on being asked, for what purpose they were? they answered, that they had made that enquiry, and were informed, at one time, that it was to obtain for them the elective franchise; at another, to procure the privilege of sitting in Parliament for persons of their own persuasion. It is well known that Mr. William Todd Jones was their warm partizan while in the House of Commons*; and, from the intemperate zeal with which some members of that body showed in promoting their designs, it was universally believed that they were actuated by sinister motives.

"It was strongly suspected, that a person in an elevated situation in England, from his singular pertinacity in adhering to their cause, when in actual and open rebellion, had received some of their contributions; and the debates which took place in the Romish Convention in the year 1792, and which the reader will see in the sequel, and the sudden, successful, and

he might have been actuated by motives of charity and humanity.

"* Mr. Jones afterwards accused, in the publick prints, the Catholick Committee, of not giving him the whole of the money which they had promised to pay him.

unexpected

unexpected turn which their affairs took in the year 1793, left very little room to doubt, but that some extraordinary secret influence was exerted in England *.

"In the year 1757, there appeared a very singular and unquestionable proof that those doctrines of the Romish Church, which had disturbed the peace of many protestant countries ever since the Reformation took place, existed in full force in Ireland.

"In that year, a bill was introduced into the House of Lords, to secure the Protestant succession; in which there was an oath of allegiance.

Objection
of the Po-
pish Bishop
of Ossory to
taking an
oath of alle-
giance to
King
George the
third.

"Thomas Burke, titular Bishop of Ossory, and publick historiographer to the Dominican Order in Ireland, made the following observations on that oath. After animadverting on the severity of setting aside the different foreign branches of the Stuart family, he says, "Would it not exceed the greatest imaginable absurdity, that a Catholick Priest, who instructs his Catholick people in the will of God, from scripture and tradition, by his discourse and actions, and nourisheth them with the Sacrament of the Church, shall swear fidelity to King George, as long as he professeth a heterodox religion, or has a wife of that religion; that then, and in that case, the same Catholick Priest ought instantly to abjure the very King to whom he had before sworn allegiance." Impiety most horrible †!

"Thomas Burke was made Titular Bishop of Ossory in 1759, and died at Kilkenny in September 1776. He was, as he frequently tells us, a favourite of Pope Benedict XIV., was a man of respectable learning, and

"* It cannot be supposed that I allude to any of his Majesty's Ministers, whose honour and integrity are far above my praise.

"† Hibernica Dominicana, page 729.

perfectly

perfectly well acquainted with the doctrines of the Romish Church, the bulls and epistles of the Popes, and the sentiments of the Irish Roman-Catholicks; and yet some of the heads of the Irish Clergy have had the effrontery and duplicity to vilify the talents and information of this writer, and to represent him as a dotard, haunted with dreams of pontifical omnipotence. But such perversion of truth, and such varnishing of odious doctrines, are only calculated to deceive, and can impose on no rational man; for all the tenets contained in his book were carried into practice during the late rebellion.

“Burke, after reciting part of Pope Paul V.’s bull, encouraging the Irish in the rebellion, exclaims, *Quid celebrius? Quid insignius?*”

“On the flight of King James II. he says, that he reasonably left the British nation, whom he brands as perjurers and traitors, who conspired against his life, subject to the slavery of this new Cromwell (meaning King William,) *vilissimi novi hujus Cromwelli servitute.*

“The first part of his *Hibernica Dominicana* was printed at Kilkenny, in the year 1762, the second in 1772, both by Edmund Finn; but it was stated to have been published at Cologne, *Coloniæ Agrippinæ.*

“In speaking of the Gun-Powder-Plot, he says, it was an invention, and that the gun-powder was secretly put under the Parliament-House, by the order of Sir William Cecil, to afford a specious pretext for extirpating all the Catholicks of England.

“Again, in the year 1768, when an oath of allegiance to be taken by the Roman-Catholicks of Ireland, was

* What can be more famous? What more illustrious?

in the contemplation of Parliament, Thomas Maria Ghillini, the Pope's legate at Brussels, who had a complete controul and superintendance over all the northern churches, and spoke *ex cathedra*, made the following animadversions on that oath, in four letters to the Titular Archbishops of Ireland; and these letters are styled by Thomas Burke, (who published them in his *Hibernica Dominicana*;) *literæ verè aureæ cedròque dignæ*.

N. B. "The legate treats the clauses in the proposed oath, containing a declaration of abhorrence and detestation of the doctrines, "that faith is not to be kept with hereticks; and that Princes, deprived by the Pope, may be deposed or murdered by their subjects," as absolutely intolerable; because, he says, those doctrines are defended and contended-for by most Catholic nations, and the Holy See has frequently followed them in practice. On the whole he decides, that, as the oath is in its whole extent unlawful, so in its nature it is invalid, null, and of no effect; insomuch that it can by no means bind or oblige consciences*."

N. B. "It is well known, that similar decisions have been uniformly made by the Roman pontiffs, on the validity of oaths any way detrimental to the Holy See. In the late rebellion, the Popish multitude, and many of the Romish clergy and gentlemen, paid no regard whatever to the oath of allegiance.

"When the Emperor and the Roman-Catholic Princes of Germany concluded a peace called the Treaty of Westphalia, in the year 1648, with the Protestant Princes, they mutually bound each other by a

* Page 925. This was in the supplement of that work published in the year 1772.

solemn oath, to the observance of it; on which the Pope published a flaming bull, in which he pronounced the oath to be null and void, as no oath could bind them to hereticks. This bull was exposed by Hornbeck, a famous German divine, in a work entitled, "*Examen bullæ papalis, quâ Innocentius X. abrogavitur pacem Germaniæ.*"

"The conduct of the Parliament of Ireland, from the beginning of his present Majesty's reign, till the end of the year 1793, presents the reader with an uninterrupted series of blunders in politicks.

"All our disgraces and misfortunes are to be found in the history of our penal laws, and in the feeble execution of them, beginning with the third of George III. cap. 19. for indemnifying all such persons as have been, or shall be aiding in the dispersing of riots, and apprehending the rioters, which was enacted for the suppression of the White-boys. As the boldness and temerity of these insurgents continued to encrease, the fifth of George III. cap. 8. passed, and was entitled, "An Act to prevent the future tumultuous risings of persons within this kingdom." The want of enforcing the salutary provisions of these laws tended to encourage the White-boys in the commission of atrocities for above twenty years after. About the year 1773, that system of conciliation and concession, which laid the foundation of the late rebellion, began; for, while this Popish banditti, encouraged by their clergy, were committing the most dreadful enormities, the thirteenth and fourteenth of George III. cap. 35, to enable Roman-Catholicks to testify their allegiance to his Majesty by oath, was enacted; but the folly and absurdity of that law were fully proved by the necessity of passing, soon after, the thirteenth and fourteenth of

George III. cap. 45. to prevent malicious cutting and wounding, and to punish offenders, called *chalkers*; for the affassin in the morning testified his allegiance to his King, and at night, with his chalking knife, renounced his allegiance to his God, by mangling and maiming his fellow-creature, and houghing his cattle.

"As the barbarous excesses committed by the White-boys continued to encrease, the fifteenth and sixteenth of George III. cap. 21. was enacted against them. It recites that the fifth of George III. cap. 8. was insufficient for suppressing them; and it states, "That they assembled riotously, injured persons and property, compelled persons to quit their abode, imposed oaths and declarations by menaces, sent threatening and incendiary letters, obstructed the export of corn, and destroyed the same." This is an exact description of the defenders.

"As their turbulence and ferocity continued to encrease, and as they made a constant practice of houghing soldiers in a wanton and unprovoked manner, the chalking act was extended, and amended by the seventeenth and eighteenth of George III. cap. 49.

"Concession and conciliation holding pace with an encrease of the enormities committed by those savages, a law passed soon after, the seventeenth and eighteenth of George III. cap. 49. to enable Roman-Catholicks to take leases for nine hundred and ninety-nine years, or five lives, at any rent; and by it, all lands of which a Roman-Catholick was at that time seized, were made descendible, devisable, and transferable, as fully as if the same were in the seisin of any other person.

"The preamble of this act recites, 'That for their uniform peaceable behaviour, for a long series of years,

years, it appears reasonable and expedient to relax several of their incapacities and disabilities.' The falsity and inconsistency of this assertion will be an eternal stain on the Parliament of Ireland.

"There is no doubt, but that the Romanists had some hired agents in that assembly at this period. A strong argument in favour of an Union!

"As a mark of gratitude for these indulgencies, this infamous banditti proceeded to commit greater enormities than they had practiced before, in consequence of which the legislature were obliged to pass the eighteenth and nineteenth of George III. cap. 37. and the title of it will shew how necessary it was: 'An Act to prevent the detestable practice of houghing cattle, burning houses, barns, haggards, and corn; and for other purposes.'

"Though they continued to commit their usual excesses, the legislature, actuated by what was called *Liberality of sentiment*, put the Roman-Catholics on the same footing with Protestants, as to property, in the year 1782; and almost the whole of the restrictive laws were repealed. The volunteers checked, in some degree, the barbarous outrages committed by the White-boys, from the year 1780 to the year 1784, when the institution began to languish; and then we find them as furious as ever in the province of Leinster. This proves how necessary a numerous and well-armed police, consisting of protestants, is to the prosperity of Ireland.

"In December, 1784, a body of White-boys broke into the house of John Mason, a Protestant, in the county of Kilkenny, in the night, placed him naked on horseback, and having carried him in this manner five or six miles from his house, they cut-off his ears,

and in that state buried him up to his chin; they also robbed him of his fire-arms*.

"This year they were so outrageous in the Province of Leinster, particularly in the County of Kilkenny, that a denunciation was read against them in all the Popish chapels in the diocese of Ossory, on the seventeenth of November, 1784.

"This was a strong proof of the returning loyalty and obedience to the laws of the Popish clergy of that diocese; or, if they were insincere and secretly encouraged the White-boys as much as formerly, of their extreme duplicity.

"As Doctor Butler, brother of Mr. Butler of Ballyragget, and of the noble house of Ormond, was at that time titular Archbishop of Cashel, a gentleman who was sincerely loyal, it is very likely that he prevailed on his clergy to adopt this procedure. He should not be confounded with Doctor Butler, who was in that See when the White-boys began their excesses.

"All these privileges were granted with a good grace by Parliament, and they met with no opposition from the constituent body, who were at that time exclusively Protestants.

"Notwithstanding such liberality on the part of the Protestant state, the White-boys still continued to commit nocturnal depredations in different parts of Leinster and Munster; but in the latter they were succeeded by a set of insurgents called Right-boys in 1786, who resembled them in every respect, except in the title which they assumed. Their proceedings, chiefly directed against the Protestant clergy, were not

* See Appendix, No. 1. 8. for a few specimens of White-boy atrocity.

the wild and extravagant efforts of rash and ignorant peasants, but a dark and deep-laid scheme, planned by men skilled in the law and the artifices by which it might be evaded. Such men suggested to the farmers, to enter into a combination under the sanction of an oath, not to take their tythes, or to assist any clergyman in drawing them.

"Some of the Protestant gentlemen hoping to exonerate their estates of tythes, by the machinations and enormities of these traitors, secretly encouraged them; and others connived at their excesses, till they began to oppose the payment of rent, and the recovery of money by legal process; and then they came forward in support of the Law.

"A form of a summons to the clergy to draw their tythe, penned with legal accuracy, was printed at Cork, and circulated with great diligence through many parts of Munster. In order to make the combination universal, some of the most active and intelligent members of it administered oaths to all the lower class of people, at the Romish Chapels and market-towns.

To varnish over the knavery and turpitude of their designs, they published a tything-table, according to which they pretended that they would pay the clergy; but to which they did not adhere; and, if they had done so, it would not have afforded them a subsistence. Besides, by swearing not to hire horses to them, and by a great number of them combining to sever the tythe, and draw their corn, on the same day, they completely robbed them of their property; and the Protestant clergy would actually have starved, but that an Act of Parliament passed in the year 1787, to enable them to

recover the tythes of which they had been defrauded in this manner.

“ At last, the Protestant clergy in the County of Cork were so much intimidated by the menaces and insults which they received from them, that many were obliged to fly to the City of Cork for protection. These traitors soon proceeded from one act of violence to another, and established such a system of terror, that landlords were afraid to distrain for rent, or to sue by civil process for money due by note. They took arms from Protestants, and levied money to buy ammunition. They broke open goals, set fire to hay and corn, and even to houses, especially to those occupied by the army. At last they had the audacity to threaten the Cities of Limerick and Cork, and the Town of Ennis, the capital of Clare, with famine; and took measures to prevent farmers and fishermen from conveying supplies of provisions to them. They proceeded by such a regular system, that they established a kind of post-office, for communication, by which they conveyed their notices with celerity for the purpose of forming their meetings, which were frequent and numerous.

“ This spirit of riot and insurrection occasioned the passing of a law in the year 1787, drawn by the present lord Clare, entitled, “ An Act to prevent tumultuous risings and assemblies, and for the more effectual punishment of persons guilty of outrage, riot, and illegal combination, and of administering and taking unlawful oaths;” and in the formation of that law, he shewed the same political wisdom, and firmness of mind, which he evinced on all subsequent occasions. By that law Government were empowered to raise an armed police in any county they chose; and the introduction

introduction of it into the Counties of Kilkenny, Tipperary, Cork, and Kerry, occasioned such a revolution in the morals and manners of their inhabitants, and was so efficient in preserving social order, that some of the principal landholders in them declared openly in Parliament, that their estates were increased two years purchase in value by that salutary statute.

“An ingenious foreigner observed to me, that he never saw a country in which so many proclamations were issued against malefactors, and the commission of crimes, as in Ireland; a sure proof of the feeble execution of the laws!

“At last, Doctor Woodward, Bishop of Cloyne, shocked and alarmed at seeing his clergy driven from their houses to the City of Cork, whither they went for an asylum, and that a conspiracy was formed for the destruction of the Protestant Church, wrote a very able pamphlet, stating the origin and progress of the insurrection in Munster, hoping thereby to rouse Government to take measures for its defence.

Of Dr.
Wood-
ward, Bi-
shop of
Cloyne.

“Nothing marked so strongly the depravity of the times, as the malignant attacks, attended with scurrility and abuse, which were made on this amiable prelate, for this seasonable and spirited discharge of his pastoral duty. I had the honour of being well acquainted with him, and I never knew a person more profoundly and elegantly learned, or so well versed, not only in every thing that concerned the ecclesiastical department, but in the various duties of every line of social life. Having visited every part of the Continent, he spoke the modern languages with great fluency and purity, and had uncommon ease and affability of manner.

“He

"He had the most exalted piety, and was not only very charitable himself, but an active promoter of publick charities. His eloquence in the pulpit was irresistible, as his style was nervous and elegant; his voice was loud and harmonious, and he had great dignity of manner.

"With all these exalted qualities and endowments, he possessed the most brilliant wit, and such a happy vein of humour, as enlivened society wherever he happened to be.

"This necessary and important duty, the neglect of which would have been criminal, drew on him a host of foes, consisting of Popish Bishops, Priests, Friars, and Presbyterian Ministers, who abused and vilified him with singular malignity; and even some Members of Parliament had the hardened audacity to arraign him with much severity.

"This amiable prelate made a most eloquent speech in support of the privileges granted to the Roman-Catholicks in the year 1782.

"This spirit of insurrection spread over most parts of Munster. The conspirators bound each other by oath to resist the laws of the land, and to obey none but those of Captain Right; and so strictly did they adhere to them, that the High Sheriff of the County of Waterford* could not procure a person to execute the sentence of the law on one of these miscreants who was condemned to be whipped at Carrick-on-Suir, though he offered a large sum of money for that purpose. He was therefore under the necessity of performing that duty himself, in the face of an enraged mob.

* The writer of these pages was High Sheriff at that time.

After

AFTER this long, hut, I trust, not uninteresting extract from Sir Richard Musgrave's Memoirs of the Rebellions in Ireland, I return to the permission which the King's Ministers of State in April, 1766, gave, by connivance, to Mr. Oliver Briand, a Roman-Catholick Priest of the Province of Quebec, to go to France in order to be consecrated as Bishop of that Province, and then to return to Quebec, and exercise his episcopal functions in that Province; which permission was at that time reported to have been obtained from the Marquis of Rockingham by the advice and influence of Mr. Edmund Burke. The only argument I hear'd alledged at that time in defence of that measure, was to the following effect; "That, since, by the Capitulation which Sir Jeffery Amherst granted to the Marquis of Vaudreuil, the French Governour of Canada, "in September, 1760, when that country was surrendered to the British arms, and by the subsequent cession of it to the Crown of Great-Britain by the Treaty of Peace, signed at Paris, in February, 1763, "it had been stipulated 'that the worship prescribed "by the Roman-Catholick Religion should be tolerated "in the Province, and that the Roman-Catholick inhabitants should be permitted to assemble in their Churches and Chapels to hear Mass, and receive the Sacraments of the Romish Religion, as heretofore,' it was necessary not only to permit the Roman-Catholick Priests that were then in the Province to continue to officiate in the said Churches and Chapels without any molestation, but to permit other
" Priests,

" Priests to succeed them in the discharge of those
 " religious duties, when death, or any other event,
 " shall have deprived the people of the services of those
 " who were then in office. But in the manner of pro-
 " viding for this succession of new Romish Priests upon
 " the death of those now in Office, it is necessary for
 " the Government to be very cautious. For, if they
 " neglect to make some safe and prudent provision for
 " the regular supply of new Priests to succeed to the
 " present set upon the vacancies that will arise by death
 " or any other cause, there is great reason to apprehend
 " that fresh Priests will come into the Province, from
 " Old France, who will be attached to the interests of
 " that Kingdom, and, perhaps, be employed by the
 " French Ministers of State, as spies and emissaries, to
 " keep-up a spirit of disaffection in the minds of the
 " French, or Canadian, inhabitants of the Province
 " to the English Government, and a secret wish to be
 " again subject to the Crown of France. And, to
 " avoid this danger, the easiest and most prudent way
 " of proceeding seems to be to permit a Popish Bishop
 " of well-known Loyalty to the King of Great-Britain,
 " and who has resided for many years past in the
 " Province, and who has few, or no, connections with
 " Old France, such as *Monsieur Olivier Briand*, to
 " reside in the Province in a very humble and private
 " manner, with a small revenue to support him; that
 " he might be ready, upon the vacancy of any Parish-
 " Church in the Province, by the death of the incum-
 " bent, immediately to ordain a new Priest that had
 " been both born and bred in the Province, to be
 " presented to the said vacant benefice; for which
 " employments there would, probably, be always a
 " sufficient number of young Candidates, both born
 " and

"and educated in the Province, because there is in
 "the Town of Quebec a Seminary, or College,
 "of Roman-Catholick Priests, of about five or six
 "in number, which has been long ago built and
 "endowed sufficiently with landed estates for the
 "maintenance of the Priests that belong to it, and
 "whose duty it is to educate young men for the Ro-
 "man-Catholick Priest-hood. And it was alledged
 "that such an humble and private Bishop, who would
 "exercise no other of his Episcopal powers but that of
 "ordaining Priests, and that only at the requisition of
 "the Governour of the Province, and who might
 "therefore be considered as a *mere manufacturer of*
 "*Priests*, or (according to a French expression which
 "was at that time reported to have been used by Mr.
 "Oliver Briand himself upon the occasion,) *un simple*
 "*faiseur de prêtres*, would be a very safe and conve-
 "nient instrument in the hands of the Governour for
 "carrying into execution the promise made to the
 "inhabitants of the Province, of tolerating the worship
 "of their Religion, without at the same time incurring
 "the danger above-mentioned of admitting French
 "spies into the Province under the character of Ro-
 "man-Catholic Priests."

This was the argument that I hear'd mentioned at
 the time, as *that* which had been employed by the
 advocates of this measure to prevail upon the King's
 Ministers of that time to consent to it, and which
 (enforced, probably, by the address and eloquence of
 Mr. Edmund Burke,) proved successful. It is, however,
 in my opinion, rather specious than solid and satisfac-
 tory. But, if it was perfectly just and conclusive in
 favour of the measure of permitting a Popish Bishop to
 reside in the Province of Quebec, it must at least be al-
 lowed

lowed that such a measure ought not to have been adopted without the authority of an Act of Parliament, to take it out of the operation of the important and fundamental Statute above-mentioned of the 1st of Queen-Elizabeth, which prohibits the exercise of any power derived from the Pope, not only in the Kingdom of England itself, and the dominions thereunto belonging at that time, but in all the dominions that shall belong to it *at any future time*. And therefore, for want of such an Act of Parliament to authorize it, the said measure was illegal.

But, if it had been legal, it would not have been a prudent measure, notwithstanding the plausibility of the foregoing argument in its favour. For it was almost certain, that any Roman-Catholick Priest who should be permitted to reside in the Province of Quebec after having been consecrated Bishop of it, would (notwithstanding any declarations that he might have made to the English Government, in order to obtain such permission, "that he should consider himself only as *an Ordainer of New Priests* when they should be wanted to supply the vacant benefices, and would never exert any of the other powers belonging to his Episcopal Office,)—I say, it was almost certain that he would (notwithstanding such declarations) exert many other powers of his office over the Roman-Catholick inhabitants of the Province, which might have very important effects both on the Roman-Catholick Priests and the laity of the same religion, and would probably greatly check and discourage both those descriptions of his Majesty's new, or Canadian, subjects from conversing freely and associating with the British inhabitants of the Province, and from reading the books of the New Testament, and inquiring into the nature
of

of the Protestant Religion and it's difference from that of the Church of Rome; of which inquiries the natural consequence would have been that many of them would have become converts to the Doctrine of the Church of England. And accordingly it was found that, when Mr. Oliver Briand returned into the Province of Quebeck, he took upon himself the title of *Olivier Briand, par la Grace de Dieu et du Saint Siège, Evêque de Québec*, and, after having, upon his arrival in the Province in June, 1766, declined the compliments usually paid to his predecessors in that high office, and declared to his friends, "that he did not come into the Province to be a Bishop upon the same high footing as his predecessors in the time of the French Government, and was not therefore intitled, and did not desire, to be treated with the same ceremony and respect as had been used towards them, but that he was only *un simple faiseur de prêtres*, a mere Ordainer of New Priests," and having, for a month or two, worn only a common black gown, like the other Roman-Catholick Priests, he grew tired of this humble way of proceeding, and dressed himself in a purple robe, with a golden cross at his breast, which are the usual ensigns of the Episcopal dignity among the Roman-Catholicks; and afterwards he very freely exercised the tremendous powers of suspending priests from the exercise of their clerical functions and depriving them of their benefices, and excommunicating and depriving persons of the Sacraments, and interdicting divine worship in Churches and Chapels. Amongst other exercises of these high powers belonging to him as Bishop of Quebeck, he published a circular Letter to the Roman-Catholick inhabitants to exhort them to take arms for the Crown against the other

other Americans in the beginning of the American war, in which he promised indulgencies to those who should comply with his exhortations, and threatened those who should refuse to do so, with excommunication. And by this Letter as well as by several acts of haughtiness and violence, he very much disgusted the Canadians, as my readers may see by consulting the second volume of my Quebec papers, in pages 111, 112, 113, — 144. So different did his conduct in the Province, when in actual possession of the office appear to be from that of the mere occasional ordainer of new priests, *le simple faiseur de prêtres*, which he had promised to be when he solicited the permission to return to the Province after having been made it's Bishop.

As for the advantages that, it was pretended, would result to the Province of Quebec, from the permission given to a Popish Bishop to reside there, by furnishing a means of supplying the vacant benefices with fresh Priests without admitting any to come there from Old France, they might easily have been obtained without this dangerous and illegal measure, by pursuing the following plan. The Seminary, or College, of Quebec, might have been preserved, with all its members and teachers of Popish divinity, and its revenues, (which are said to amount to six or seven hundred pounds sterling a year,) for the education of young Canadians to the profession of the Priest-hood: and, when they had attained the proper age for taking orders in that Church, these young men might have been sent-over to England at the King's expence with the Governour's recommendation to his Majesty's Secretary of State for America, as young men of good behaviour and principles, that were fit to be made Priests

Priests and hold benefices in the Province. And from England they might have been sent to Munster in Germany, or to the Popish canton of Lucerne in Switzerland, (attended by some proper and trusty companion, who should have taken care that they should not have set their foot in Old France) with recommendations, if they had gone to Switzerland, from the Secretary of State for America to his Majesty's Resident, or other Minister, to the Swiss Cantons; and there they might have been ordained to the Priest-hood of the Church of Rome by the Bishop of Munster, or of Lucerne, or such other Roman-Catholick district, (not in Old France,) as his Majesty, in his Royal Wisdom, should have thought fit to send them to. And, when thus ordained Priests of the Church of Rome by such foreign Popish Bishop, they should have returned to England, and from thence to Quebeck by the first convenient opportunities; at the King's expence. Such a voyage to Europe would probably have been considered, by the young Candidates for the Priest-hood who should have had occasion to take it, as a party of pleasure rather than a hardship. And the expence of it to the Publick would have been trifling; perhaps 300*l.* or 400*l.* once in three or four years. For, as the whole number of parishes in the Province is but 128, (at least it was no greater in the year 1767; I know not how many new parishes may have been created since :) a supply of two new Priests a year, or six or seven every three years, would have been sufficient to keep the benefices always full. By this obvious and easy method of procuring new Priests for the support of the Roman-Catholick Religion agreeably to the toleration promised by the Capitulation and Treaty of Peace, the supposed necessity of permit-

ting a Popish Bishop to reside in the Province might have been avoided.

If the young French, or Canadian, scholars, educated at the Popish Seminary at Quebeck, for the priest-hood in Canada, had been ordained priests in this manner by the Bishop of Munster, or some other Roman-Catholick bishop in Germany, or Switzerland, and been immediately sent-back to Quebeck in a King's ship, to be appointed to officiate in the vacant Churches of the Province, it would, I presume, have been expedient to direct that they should be appointed, or collated, to those Churches by the Governour of the Province, to hold the same during his Majesty's pleasure: and thus the whole body of them would have been dependant on the Crown, and would, probably, have used their influence over the Inhabitants of their severall parishes, to promote their attachment to the English Government, and to induce them to relinquish their former prejudices in favour of that of France. And, in this state of things, it is highly probable that severall of these Roman-Catholick parish-priests, or *Curates*, (as they were there called,) being free from the controul, or authority, of any Popish bishop, or other Ecclesiastical Superiour in the Province, would have ventured to read with attention the books of the New Testament, and to inquire into the grounds of the differences of the doctrines of the Church of Rome from those of the Church of England, and, in consequence of such examination, would often have been inclined to adopt some of the doctrines, if not all, of the Church of England, and particularly to think it lawful to use the Liturgy of the Church of England, translated into French, in their Churches, instead of the Latin Mass; and that, upon these changes
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in their opinions upon these subjects, they would have become the means of converting their parishioners to their new way of thinking upon them, as Wickliff, the great English Reformer, did in England, with astonishing success, in the reign of King Richard the II. And, that such changes of opinion in religious matters as should have been recommended by the parish-priests to their Parishioners, would have been readily adopted by the latter,—and, more especially, that of the lawfulness of making use of the English Liturgy, translated into French, in their Churches instead of the Latin Mass,—I have hardly any doubt, from all that I could collect of the sentiments and inclinations of the people of that province from a residence in it during three years, from September, 1766, to September, 1769, and from conversing during that time with a great variety of the French, or Canadian, inhabitants of it. And this was also the opinion of that wise and judicious Statesman as well as great and successful General, Sir Jeffery Amherst, who conquered that whole Province and granted the Marquis of Vaudreuil, the French Governour of it, the Capitulation of September, 1760. For, about the month of May, 1774, when the Bill for regulating the government of the Province of Quebec, was brought into the House of Lords by the late Earl of Dartmouth, Sir Jeffery called upon me at my chambers in the Temple, to converse upon the provisions of that Bill, of which he expressed a strong disapprobation, and more particularly of the clause that *established* the Popish Religion in Canada, by giving the Popish priests a legal right to their tythes, which he had expressly refused to grant them by the Capitulation of September, 1760, and had referred to the future Declaration of the King's pleasure on that subject; which Decla-

ration had never been made from the surrender of the Province in September, 1760, to the introduction of that Quebec-bill into the house of Lords in May, 1774, and the right of the Priests to sue their parishioners for their tythes in courts of Justice, had therefore been considered as suspended during the long interval of 14 years from September, 1760, to May, 1774. This clause he therefore highly disapproved-of, as being a wanton and unnecessary *establishment* of Popery in the Province, instead of a mere toleration of it, or permission to attend *the worship of it* in their Churches and Chapels without any molestation, either to themselves or their priests; which was all that was stipulated by either the capitulation of September, 1760, or the Treaty of Paris in February, 1763. And it was certainly not necessary for the satisfaction of the bulk of the Inhabitants of Canada, because they were very well pleased to be left at liberty either to pay their tythes, or to let it alone, as they thought fit; though, from an attachment to their religion, they, for the most part, thought fit to pay them. And I remember that Sir Jeffery told me at the same time, that he thought it would have been sufficient for the satisfaction of the Inhabitants of the Province, to have only permitted the Curates, or Parish-priests, who were in the Province at the time of the Capitulation, to have continued in possession of their benefices during their lives, and then to have supplied their places by Protestant French ministers, who should have conformed to the Church of England and have read the Liturgy of it, translated into French, to their several Congregations. And I remember that a French merchant at Quebec, who was a native of old France, and a man of uncommon talents and great reading and knowledge, and
was

was a professed Roman-Catholick, (though he was reckoned by many persons of that city, to be what the French call a *Philosopher*, or an unbeliever in all revealed religion,) went further still than Sir Jeffery Amherst in the opinion that the Protestant religion of the Church of England might have easily been introduced into the Province. For one day, when he dined with me at my house at Quebec, he told me of his own accord, (I having said nothing to lead to it,) that he was surprized that the English Government had not, immediately after the cession of the Province to the Crown of England, by the Treaty of Peace in February, 1763, introduced into it at once the Protestant religion as settled in the Church of England; adding, that he was persuaded that it would have been readily submitted-to and acquiesced-in by the inhabitants of the Province, who, as the Clergy of the Church of England have retained some of the Ecclesiastical vestments of the Romish Clergy, such as the gown, and band, and surplice, would have hardly perceived the change from one religion to the other. In this, however, I could not agree with the Philosopher, but was always desirous, from motives both of Justice and Prudence, that they should enjoy a compleat toleration of their religion to the full extent of the Capitulation and the Treaty of Peace, but without an establishment of it, which the body of the People in the Province did by no means wish-for, and which was afterwards unnecessarily re-imposed upon them, rather than granted to them, by the Quebec-act of the year 1774.

But, whatever might have been the probability of success in a plan of gradually converting the Canadians to the Protestant religion, by encouraging, or, at least, permitting, their own priests to become the instruments of

such conversions, in consequence of their own free examination of the grounds of the differences between the doctrines of the two religions and their subsequent conviction of the errors of the Romish doctrines;—all hopes of that kind were counter-acted, and almost destroyed, by the unfortunate measure, adopted in the year 1766, of permitting *Mr. John Oliver Briand* to return to Quebec in the character of Bishop of the Province. For, by the power of suspending priests from the exercise of their clerical functions, and depriving them of their benefices, and interdicting the performance of divine worship in whole parishes, which he claimed and exercised on various occasions, he kept the clergy in such a state of terror and subjection to him, that no priest would ever venture to express any doubts concerning the doctrines of the Church of Rome, or take the smallest step towards an adoption of the doctrines of the Church of England. Two remarkable instances of his exercise of these dangerous episcopal powers in the Province of Quebec, exhibit so clearly the imprudence of the measure of permitting him to return into the Province in the character of its Bishop, that, though they have already been published in the year 1776, in the second volume of my Quebec-papers, I will here reprint them. They are a translation from an extract from a letter written in French by a Roman-Catholick gentleman in the Province of Quebec to a friend in London in September, 1775.

A Translation of two anecdotes concerning the conduct of JOHN OLIVER BRIAND, the Popish Bishop of Quebeck; extracted from a Letter written by a person of credit in the Province of Quebeck to his friend at London about the end of September, 1775.

SEVEN years ago Monsieur Vincelot, the Seignior of Islette, at the requisition of the bishop of Quebeck in his visitation of the parishes of his diocese, gave a piece of ground, eight French arpents square, for the inhabitants of that parish to build a church upon. And he himself built upon it, at his own expence, an uncommonly spacious parsonage-house, in which the people of the parish might meet to hear mass during the time the church would take-up in building. And in this house the priest of the parish lived. At the end of two years Monsieur Briand, the bishop, at the request of the inhabitants of the higher part of the parish, appointed another place for the situation of the church which the inhabitants of it were to build: and the inhabitants accordingly began to build the church in this latter place; and in the course of three years (they proceeding but slowly in the work) made it fit for the performance of divine service. When the building of the church was completed, Mr. Vincelot resumed the possession of the former spot of ground and of the parsonage-house which he had built upon it; grounding his right to make this resumption upon the non-performance of the condition upon which alone he had given this

ground to the parish, which was "that they should erect a church upon it." This proceeding gave offence to the bishop, who immediately sent orders to the Curate of the parish to inform Mr. Vincelot, that what he had once given to the church, he could never after resume; and that he, the bishop, therefore required him immediately to restore the piece of ground in question to the Curate of the parish; and that, if he refused to do so, he, the bishop, would immediately excommunicate him and all his family. This threat was disregarded by Mr. Vincelot; and he continued to keep possession of the piece of ground. Upon this the Prelate flew into a rage, and immediately commanded the same Curate of the parish to acquaint Mr. Vincelot that he had excommunicated him, and had extended the excommunication to his wife also, if she joined with him in his refusal to restore the land. Upon this Mr. Vincelot brought the matter before one of the courts of Justice, and there openly reproached the bishop with his passionate and violent behaviour, and his inordinate ambition and desire of making himself an absolute ruler in the province, and declared him to be nothing less than a disturber of the publick peace. The Judges observed a profound silence while Mr. Vincelot was speaking, and then decided, that, as the conditions upon which Mr. Vincelot had made the donation of that piece of land to the parish, had not been observed, the land must revert to Mr. Vincelot. This affair happened in the month of May, 1774, and was the occasion of the bishop's relaxing very much from the haughtiness and severity with which he had before treated Mr. Vincelot.

Another and a much stronger instance of this bishop's violence of temper happened about four months after the

the former. A man that lived in the parish of St. John, of which Monsieur Gaspé is the Seigneur, wanted to marry a woman who was his cousin, though in a pretty distant degree. In order to this he applied to the bishop for a dispensation to enable him to do so. As Mr. Briand is rather fond of money, he required of this poor man, for the dispensation he wanted, a sum of money which was greater than the whole value of the land he held in the parish. This threw the poor man into despair; and he went to the protestant minister of Quebeck, and desired him to marry him. But the minister refused to do so, and informed him of the reasons which induced him to make this refusal. Upon this the man resolves to take a new course of his own contriving. He invites his relations and friends to his house, and gives them a feast; and, before they sit-down to table, he produces his intended bride; and, in the presence of the girl's father and of all the company there assembled, the two parties declare their consent to take each other for man and wife. Now this proceeding was undoubtedly blameable; and the man was liable to be punished for it. But the punishment of the guilty parties was not sufficient to satisfy the bishop's vengeance. Besides the man and the woman who had been thus married, he excommunicated all the company who had been present on the occasion, and all the inhabitants of the parish without exception; so that Monsieur Gaspé, the Seigneur of the parish, and his Wife, who live at the distance of four miles and a half from the place where this offence was committed, were involved in this excommunication. The Curate of Isleite, who does the duty of the parish of St. John, was sent thither by the bishop to carry this sentence of excommunication into execution. He accordingly comes

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to the parish-church, and extinguishes the lamp of the principal altar, throws-down the wax-tapers upon the ground, orders the bell to ring, burns the consecrated bread, and carries-away the box that contained it, the calice, and the sun, and reads the sentence of excommunication, and declares that it is to continue in force so long as the parish shall harbour within it those two rebels to the authority of the church. Alarmed at this terrible threat, the inhabitants of this unfortunate parish depute their church-wardens to the bishop to implore his mercy. The church-wardens repair to Quebeck, and on their knees intreat the bishop to take-off the excommunication. But they could make no impression on him. On the contrary he behaved to them with the greatest rudeness and contempt, saying, "*No ! I will by no means take-off this excommunication. I will teach you to dread the power of a bishop : and the rest of the province will, in consequence of your example, become more obedient to the church. I therefore command you to drive those two wretches from among you : and, if you obey this command, I will then consider what it may be proper for me to do with respect to the excommunication.*" The poor church-wardens, still on their knees, fell into tears at those harsh words, and said in answer to them, "*that, as those persons were upon their own land, they, the other parishioners, had no authority to drive them out of the parish, as his Lordship now required them to do : but that this could only be done by the Judges.*" *Get you gone, you blackguards, get out of the room this moment ;*" replied the bishop, and at the same time opened them the door. Upon this they rose from their kneeling posture, to go out of the room. But one of them, growing bolder than the rest, stayed behind in the room for a short space

space of time after the rest had quitted it, and said to the bishop in a steady tone of voice, in the hearing of Mr. Mabane, (one of the Judges of the court of common pleas,) who happened to be with the bishop at the time, "*My Lord, if this man had given you the 150 Dollars which you asked of him for a dispensation to marry his relation, you would have granted him the dispensation; and then he would not have been guilty of this offence. And, now, my Lord, that he has been guilty of it, you ought to have confined your punishment to him alone, and not have extended it to the inhabitants of a whole parish, who are entirely innocent.*" Mr. Mabane was struck with the justness of the observation, and could not refrain from laughing when the man delivered it; and he earnestly interceded with the bishop to take-off the excommunication. But he did not succeed. For the bishop thought fit to continue it for two months longer, and then at last took it off at the humble and urgent request of Monsieur and Madame Gaspé. This story was related to me by Francis Le Clerc, one of the church-wardens above-mentioned, who waited on the bishop at the desire of the other inhabitants of the parish on the occasion above-recited.

The French extract, of which this is a translation, may be seen in the second volume of my Quebec papers, in pages 120, 121, 122—126. F. M.

*Remarks on the true meaning of the words
TOLERATION, ENDOWMENT, and ESTABLISH-
MENT, when applied to a Religion adopted
and permitted in any country.*

I HAVE observed that some people are apt to use these words in a confused manner, or without annexing distinct Ideas to them, when applied to a mode of Religion that is permitted or adopted in any country; which makes it difficult to understand their reasonings on the subject and to come to any just and satisfactory conclusions on it. It will therefore be useful to state the several distinct Ideas which ought to be annexed to them in discussions upon this subject.

Now it appears to me that there are three different methods in which a Religion, that is permitted by the Government of a country to be professed and practised in it, may be supported, which may be distinguished from each other by the words *Toleration*, *Endowment*, and *Establishment*.

The Tole-
ration of a
Religion.

When the Government of a country permits the professors of a Religion to meet-together in places of worship of their own building, or hiring, and to have divine worship performed in them, according to the Rites and Ceremonies which they chuse to adopt, by priests, or ministers, of their own, whom they employ and hire for the purpose, that Religion is said *to be tolerated*.

Thus the Quakers are tolerated in England, and such of the Presbyterians and other Protestant Dissenters from the church of England as comply with the conditions required

required by the two Toleration-acts of the 1 William and Mary, and the 19 of the present king George the III. are also Tolerated. But the other protestant dissenters, who do not comply with those conditions, are not tolerated, but are exposed to the penalties of severe laws for worshipping God according to their consciences in their meeting-houses, or *conventicles*, as they are called in those penal statutes. And in like manner the Roman-Catholick religion was tolerated in Canada from the conquest of the country by Sir Jeffery Amherst in September, 1760, to the passing of the Quebec-act in June 1774, when it was established by that Act. For the people were permitted to assemble in their churches and chapels to hear Mass and to receive the Sacraments, according to the rites of the Church of Rome, and the priests were permitted to officiate therein, without any molestation whatsoever: and the tythes and other profits paid to the priests on this account, were paid voluntarily by the people who followed that mode of worship without any right in the priests to compel the payment of them by a suit at law. This was *perfect toleration*.

But it is possible that a government, though it may think it necessary in point of Justice to permit the followers of a particular religion to meet together in moderate numbers to worship God in their own way, may yet not think it expedient to let that religion take root in the country in a manner that is likely to increase the number of its votaries. And in this case they may forbid its being endowed by gifts of land, or other permanent property, assigned to trustees for the permanent support of it. This, I apprehend, would not be inconsistent with toleration, nor at all unjust towards the professors of such barely-tolerated religion; because every state has a right to judge of the utility of the purposes

poses for which it allows the property of any of its members to be aliened in mortmain.

The Endowment of a Religion.

But on the other hand it is possible that a government may think a particular mode of religion, though not worthy to be supported and encouraged by publick authority, yet to be so very innocent and inoffensive to the state that they may indulge the professors of it with a liberty to alien their land, or other property, in mortmain for the permanent support of the ministers and teachers of it; as in England and other countries in Europe, men are permitted to found Professorships of the Sciences in Universities, or to alien a part of their property in Mortmain for the maintenance of the Professors of them. Where this is permitted with respect to any particular religion, and private persons have made use of such permission, and have settled permanent funds for the maintenance of the ministers and teachers of such religion, that religion may be said *to be endowed*.

The Establishment of a Religion.

Lastly, where the government of a country provides a fund by their own publick authority for the maintenance of the ministers and teachers of any Religion, such a Religion is said *to be established*.

Thus, before the Reformation the Popish religion was established in England; because tythes, and other publick funds, were appointed by the Law of the land for the maintenance of the priests that taught it. And at the Reformation, by the statute of 1st of Elizabeth, cap. 1. for abolishing the foreign Jurisdiction of the Pope; all priests who held benefices were required to abjure the supremacy of the Pope, and acknowledge that of the Queen; that is, the benefices, or publick funds assigned for the maintenance of the publick teachers of religion, were transferred from the Popish priests, who acknowledged

acknowledged the Pope to be the head of the church, to the Protestant priests who acknowledged the Queen to be so; and by that transfer the Protestant Religion became *established*. This is the only sense in which the Church of England can be said to be established at this day. Its priests are paid for performing its ceremonies, and teaching its doctrines, by funds assigned to them by the publick authority of the state. And in the same sense the Roman-Catholick religion may be said to be established in Canada by the late act of parliament in the year 1774. For a publick fund, to wit, the tythes of the Popish parishioners, that is, of 49 persons out of every 50 throughout the province, is hereby assigned to the Romish priests as a maintenance and reward for performing the ceremonies, and teaching the doctrines of that religion.

I know that some persons have asserted that this measure is not an establishment of the Popish religion in Canada, because the Protestant parishioners are not obliged to pay tythes to the Romish priests. But this affects only the *quantum* of the Provision made for the maintenance of those priests and the religion they are to teach. It is somewhat less ample than it would be if the Protestants were forced to pay the tythes to them as well as the Roman-catholicks. But the nature and design of the Provision are the same in both cases. It is a fund provided by publick authority for the support of priests, to exercise and teach the religion of the church of Rome. And this, I presume, is all that is meant by those who have affirmed that the Popish religion is *established* by this act of parliament, and is all that the words, *establishment of a religion*, naturally and usually import.

TRUE RELIGION,
HERESY, SCHISM, TOLERATION;

AND

WHAT BEST MEANS MAY BE USED,

AGAINST THE

GROWTH OF POPERY.*

BY JOHN MILTON, ESQ.

The Author of Paradise Lost.

IT is unknown to no man, who knows aught of concernment among us, that the increase of Popery is at this day no small trouble and offence to the greatest part of the nation; and the rejoicing of all good men that it is so: the more their rejoicing, that God hath given a heart to the people to remember still their great and happy deliverance from Popish thralldom, and to esteem so highly the precious benefit of his gospel, so freely and so peaceably enjoyed among them. Since therefore some have already in publick with many considerable arguments exhorted the people to beware the growth of this Romish weed; I thought it no less than a common duty to lend my hand, how unable soever, to so good a purpose. I will not now enter into the labyrinth of Councils and Fathers,—an intangled wood which the papists love to fight in, not with hope of victory, but to obscure the shame of an open overthrow: which yet in that kind of combat, many heretofore,

* Printed in the Year 1678.

and

and one of late, hath eminently given them. And such manner of dispute with them, to learned men is useful and very commendable. But I shall insist now on what is plainer to common apprehension, and what I have to say, without longer introduction.

True religion is the true worship and service of God, ^{Of True Religion:} learnt and believed from the word of God only. No man, or angel, can know how God would be worshipped and served, unless God reveal it. He hath revealed and taught it us in the Holy Scriptures by inspired ministers, and in the Gospel by his own Son and his Apostles, with strictest command to reject all other traditions, or additions, whatsoever. According to that of St. Paul, "Though we, or an angel from heaven, preach any other Gospel unto you, than that which we have preached unto you, let him be *anathema*, or accursed." And Deut. iv. 2. "Ye shall not add to the word which I command you, neither shall you diminish ought from it." Rev. xxii. 18, 19. "If any man shall add, &c. If any man shall take-away from the words," &c. With good and religious reason, therefore all Protestant churches with one consent, and particularly the church of England in her thirty-nine articles, artic. 6th, 19th, 20th, 21st, and elsewhere, maintain these two points, as the main principles of true religion: that the rule of true religion is the word of God only: and that their faith ought not to be an implicit faith, that is, to believe, though as the church believes, against, or without, express authority of Scripture. And, if all Protestants, as universally as they hold these two principles, so attentively and religiously would observe them, they would avoid and cut-off many debates and contentions, schisms, and persecutions, which too oft have been among them, and more

firmly unite against the common adversary. For hence it directly follows, that no true Protestant can persecute, or not tolerate, his fellow-protestant, though dissenting from him in some opinions, but he must flatly deny and renounce these two his own main principles, whereon true religion is founded; while he compels his brother from that which he believes as the manifest word of God, to an implicit faith (which he himself condemns) to the endangering of his brother's soul, whether by rash belief, or outward conformity; for "whatsoever is not of faith, is sin."

What Heresy is.

I will now as briefly show what is false religion or heresy, which will be done as easily: for of contraries the definitions must needs be contrary. *Heresy* therefore is a religion taken-up and believed from the traditions of men and additions to the word of God. Whence also it follows clearly that of all known sects, or pretended religions, at this day in Christendom, Popery is the only, or the greatest, Heresy: and he who is so forward to brand all others for Hereticks, the obstinate Papist, the only Heretick. Hence one of their own famous writers found just cause to stile the Romish Church "Mother of error, school of Heresy." And, whereas the Papist boasts himself to be a Roman-Catholick, it is a mere contradiction, one of the Pope's bulls, as if he should say, universal particular, a Catholick schismatick. For *Catholick* in Greek signifies *universal*: and the Christian Church was so called as consisting of all nations to whom the Gospel was to be preached, in contradistinction to the Jewish Church, which consisted, for the most part, of Jews only.

The true meaning of the phrase *Catholick Church*.

Of Sects.

Sects may be in a true Church as well as in a false, when men follow the doctrine too much for the teacher's sake

fake, whom they think almost infallible; and this becomes, through infirmity, implicit faith; and the name *Seſtary* pertains to ſuch a diſciple.

Sectaries.

Schiſm is a rent, or diviſion, in the church, when it comes to the ſeparating of congregations; and may alſo happen to a true church, as well as to a falſe; yet in the true needs not tend to the breaking of communion, if they can agree in the right adminiſtration of that wherein they communicate, keeping their other opinions to themſelves, not being deſtructive to Faith. The Pharifees and Sadducees were two ſects; yet both met-together in their common worſhip of God at Jeruſalem. But here the Papiſts will angrily demand, what! are Lutherans, Calviniſts, Anabaptiſts, Socinians, Arminiſians, no Hereticks? I anſwer, all theſe may have ſome errors, but are no Hereticks. Hereſy is in the will and choice profeſſedly againſt Scripture; error is againſt the will, in miſunderſtanding the Scripture after all ſincere endeavours to underſtand it rightly: Hence it was ſaid well by one of the ancients, “Err I may, but a Heretick I will not be.” It is a human frailty to err, and no man is infallible here on earth. But ſo long as all theſe profeſs to ſet the word of God only before them as the rule of faith and obedience; and uſe all diligence and ſincerity of heart, by reading, by learning, by ſtudy, by prayer for Illumination of the Holy Spirit, to underſtand the rule and obey it, they have done what man can do: God will assuredly pardon them, as he did the friends of Job: good and pious men, though much miſtaken, as there it appears, in ſome points of doctrine.

Schiſm.

Difference
between
Hereſy and
Error.

But ſome will ſay, “with Chriſtians it is otherwiſe, whom God hath promiſed by his ſpirit to teach all things.” True, all things abſolutely neceſſary to ſalva-

tion: But the hottest disputes among Protestants, calmly and charitably enquired-into, will be found less than such. The Lutheran holds *Consubstantiation* an error indeed, but not mortal. The Calvinist is taxed with *Predestination*, and to make God the author of sin; not with any dishonourable thought of God, but, it may be, over-zealously asserting his absolute power, not without plea of Scripture. The Anabaptist is accused of denying infants their right to baptism; again they say, they deny nothing but what the Scripture denies them. The Arian and Socinian are charged to dispute against the Trinity: They affirm to believe the Father, Son, and Holy Ghost, according to Scripture and the Apostolick Creed; as for terms of *Trinity*, *Trini-unity*, *Co-essentiality*, *Tri-personality*, and the like, they reject them as scholastick notions, not to be found in Scripture, which, by a general Protestant maxim, is plain and perspicuous abundantly to explain its own meaning in the properest words, belonging to so high a matter, and so necessary to be known; a mystery indeed in their sophistick subtilities, but in Scripture a plain doctrine. Their other opinions are of less moment. They dispute the satisfaction of Christ, or rather the word "Satisfaction," as not Scriptural: but they acknowledge him both God and their Saviour. The Arminian, lastly, is condemned for setting-up free will against free grace; but that imputation he disclaims in all his writings, and grounds himself largely upon Scripture only. It cannot be denied that the authors, or late revivers, of all these sects, or opinions, were learned, worthy, zealous, and religious men, as appears by their lives written; and the same [may be said] of their many eminent and learned followers, perfect and powerful in the Scriptures, holy and unblameable in their

their lives; and it cannot be imagined that God would desert such painful and zealous labourers in his Church, and oft-times great sufferers for their conscience, to damnable errors and a reprobate sense, who had so often implored the assistance of his Spirit; but rather, having made no man infallible, that he hath pardoned their errors, and accepts their pious endeavours, sincerely searching all things according to the rule of Scripture, with such guidance and direction as they can obtain of God by prayer. What Protestant then, who himself maintains the same principles, and disavows all implicit faith, would persecute, and not rather charitably tolerate, such men as these, unless he mean to abjure the principles of his own religion? If it be asked, how far they should be tolerated? I answer, doubtless *equally*, as being all Protestants; that is, on all occasions ready to give account of their faith, either by arguing, [or by] preaching in their several assemblies, [or by] publick writing, and the freedom of printing. For, if the French and Polonian Protestants enjoy all this liberty among Papists, much more may a Protestant justly expect it among Protestants; and yet sometimes, here among us, the one persecutes the other upon every slight pretence.

But he is wont to say, he enjoins only things indifferent. Let them be so still; who gave him authority to change their nature by enjoining them? if by his own principles, as is proved, he ought to tolerate controverted points of doctrine not slightly grounded on Scripture, much more ought he not to impose things indifferent without Scripture. In religion nothing is indifferent; but, if it come once to be imposed, is either a command or a prohibition, and so consequently an addition to the word of God, which he

professes to disallow. Besides, how unequal, how uncharitable must it needs be, to impose that which his conscience cannot urge him to impose, upon him whose conscience forbids him to obey? What can it be but love of contention for things not necessary to be done, to molest the conscience of his brother, who holds them necessary to be not done? To conclude, let such an one but call to mind his own principles above-mentioned, and he must necessarily grant, that neither can he impose, nor the other believe or obey, aught in religion, but from the word of God only. More amply to understand this, may be read the 14th and 15th Chapters to the Romans, and the contents of the 14th, set-forth no doubt but with full authority of the Church of England; the gloss is this: "Men may not condemn, or condemn, one the other for things indifferent." And in the 6th article above-mentioned, "whatsoever is not read in Holy Scripture, nor may be proved thereby, is not to be required of any man as an article of Faith, or necessary to Salvation." And certainly what is not so, is not to be required at all; as being an addition to the word of God expressly forbidden.

Thus this long and hot contest, whether Protestants ought to tolerate one another, if men will be but rational and not partial, may be ended without need of more words to compose it.

The claims
of Popery.

Let us now enquire whether Popery be tolerable or no. Popery is a double thing to deal with, and claims a twofold power, *Ecclesiastical*, and *Political*, both usurped, and the one supporting the other.

But *Ecclesiastical* is ever pretended to *Political*. The Pope by this mixt faculty pretends right to kingdoms and states, and especially to this of England; thrones,

thrones, and unthrones kings, and absolves the people from their obedience to them; sometimes interdicts to whole nations the publick worship of God, shutting-up their churches: and was wont to drain-away the greatest part of the wealth of this then miserable land, as part of his patrimony, to maintain the pride and luxury of his court and prelates: and now, since, through the infinite mercy and favour of God, we have shaken-off his Babylonish yoke, hath not ceased by his spies and agents, Bulls, and Emissaries, [to endeavour] once to destroy both king and parliament; [and] perpetually to seduce, corrupt, and pervert as many as they can of the people. Whether therefore it be fit or reasonable, to tolerate men thus principled in religion towards the state, I submit it to the consideration of all magistrates, who are best able to provide for their own and the publick safety. As for tolerating the exercise of their religion, supposing their state-activities not to be dangerous, I answer, that toleration is either publick or private; and the exercise of their religion, as far as it is idolatrous, can be tolerated neither way: not publickly, without grievous and unsufferable scandal given to all conscientious beholders; not privately, without great offence to God, declared against all kind of idolatry, though secret. Ezek. viii. 7, 8. "And he brought me to the door of the court, and, when I looked, behold a hole in the wall. Then said he unto me, son of man, dig now in the wall: and when I had digged, behold a door; and he said unto me, go-in, and behold the wicked abominations that they do here." And ver. 12. "Then said he unto me, son of man, hast thou seen what the ancients of the house of Israel do in the dark?" &c. And it appears by the whole chapter, that God was no less offended with these secret idolatries, than with those in

The exercise of the Popish worship is idolatrous, and therefore ought not to be tolerated.

publick; and no less provoked, than to bring-on and hasten his judgments on the whole land for these also.

Having shewn thus, that Popery, as being Idolatrous, is not to be tolerated either in publick or in private; it must be now thought how to remove it and hinder the growth thereof; I mean in our natives, and not foreigners, privileged by the Law of nations. Are we to punish them by corporal punishment, or fines in their estates, upon account of their religion? I suppose it stands not with the clemency of the gospel, more than what appertains to the security of the state: but, first, we must remove their Idolatry, and all the furniture thereof, whether Idols, or the Mass, wherein they adore their God under bread and wine: for the commandment forbids to adore, not only "any graven image, but the likeness of any thing in heaven above, or in the earth beneath, or in the water under the earth; thou shalt not bow-down to them, nor worship them; for I the Lord thy God am a jealous God." If they say, that by removing their Idols we violate their consciences, we have no warrant to regard conscience which is not grounded on Scripture: and they themselves confess in their late defences, that they hold not their images necessary to salvation, but only as they are enjoined them by tradition.

Images and all materials, or instruments of Idolatry, ought to be prohibited and removed.

Shall we condescend to dispute with them? The Scripture is our only principle in religion; and by that only they will not be judged, but will add other principles of their own, which, forbidden by the word of God, we cannot assent to. And [in several places of the gospel] the common maxim also in Logick is, "against them who deny principles, we are not to dispute." Let them bound their disputations on the Scripture only, and an ordinary Protestant, well-read in
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the Bible, may turn and wind their doctors. They will not go-about to prove their Idolatries by the word of God, but turn to shifts and evasions, and frivolous distinctions: Idols, they say, are laymen's books, and a great means to stir-up pious thoughts and devotion in the learnedest. I say, they are no means of *God's appointing*, but plainly the contrary: let them hear the prophets; Jer. x. 8. "The stock is a doctrine of vanities." Hab. ii. 18. "What profiteth the graven image that the maker thereof hath graven it: the molten image and a teacher of lies?" But they alledge in their late answers, that the laws of Moses, given only to the Jews, concern not us under the Gospel; and remember not that Idolatry is forbidden as expressly: but with these wiles and fallacies "compassing sea and land, like the Pharisees of old, to make one profelyte, they lead-away privily* many simple and ignorant souls, men and women, "and make them twofold more the children of hell than themselves," Mat. xxiii. 15. But the Apostle hath well warned us, I may say, from such deceivers as these; for their mystery was then working. "I beseech you, brethren," saith he, "mark them which cause divisions and offences, contrary to the doctrine which ye have learned; and avoid them: for they that are such, serve not our Lord Jesus Christ, but their own belly, and by good words and fair speeches deceive the heart of the simple," Rom. xvi. 17, 18.

The next means to hinder the growth of Popery, will be to read duly and diligently the holy scriptures, which, as St. Paul saith to Timothy, (who had known

Protestants should be diligent in reading the scriptures.

* "*Besides what the grim wolf with privy paw
Daily devours apace*"

In Milton's Elegy on the death of his worthy and learned friend, the Rev. Mr. Edward King, written in the year 1638, and intitled *Lycidas*.

them

them from a child.) "are able to make wise unto salvation." And to the whole church of Colossi; "Let the word of Christ dwell in you plentifully, with all wisdom," Col. iii. 16. The Papal, Antichristian, church permits not her Laity to read the Bible in their own tongue: our church on the contrary hath proposed it to all men, and to this end translated it into English, with profitable notes on what is met-with obscure, though what is most necessary to be known be still plainest; that all sorts and degrees of men, not understanding the original, may read it in their mother-tongue. Neither let the countryman, the tradesman, the lawyer, the physician, the statesman, excuse himself by his much business from the studious reading thereof. Our Saviour saith, Luke x. 41, 42. "Thou art careful and troubled about many things; but one thing is needful." If they were asked, they would be loth to set earthly things, wealth, or honour, before the wisdom of salvation. Yet most men, in the course and practice of their lives, are found to do so; and, through unwillingness to take the pains of understanding their religion by their own diligent study, would fain be saved by a deputy. Hence comes Implicit faith, ever learning and never taught, much hearing and small proficiencie, till want of fundamental knowledge easily turns to superstition or Popery: therefore the Apostle admonishes, Ephes. iv. 14. "That we henceforth be no more children, tossed to and fro and carried-about with every wind of doctrine, by the sleight of men, and cunning craftiness, whereby they lie-in-wait to deceive." Every member of the church, at least of any breeding or capacity, ought to be so well grounded in spiritual knowledge, as, if need be, to examine their teachers themselves, Acts xvii. 11. "They searched
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the Scriptures daily, whether those things were so. Rev. ii. 2. "Thou hast tried them which say they are apostles, and are not." How should any private Christian try his teachers, unless he be well-grounded himself in the rule of Scripture, by which he is taught? As therefore among Papists, their ignorance in Scripture chiefly upholds Popery; so among Protestant people, the frequent and serious reading thereof will soonest pull Popery down.

Another means to abate Popery, arises from the constant reading of Scripture, wherein believers who agree in the main, are every-where exhorted to mutual forbearance and charity one towards the other, though dissenting in some opinions. It is written that the coat of our Saviour was without seam; whence some would infer, that there should be no division in the Church of Christ. It should be so indeed; yet seams in the same cloth, neither hurt the garment, nor misbecome it; and not only seams, but schisms will be while men are fallible: but, if they who dissent in matters not essential to belief, while the common adversary is in the field, shall stand jarring and pelting at one another, they will be soon routed and subdued. The Papist with open mouth makes much advantage of our several opinions; not that he is able to confute the worst of them, but that we, by our continual jangle among ourselves, make them worse than they are indeed. To save ourselves, therefore, and resist the common enemy, it concerns us mainly to agree within ourselves, that with joint forces we may not only hold our own, but get ground; and why should we not? The Gospel commands us to tolerate one another, though of various opinions, and hath promised a good and happy event thereof; Phil. iii. 15. "Let us therefore, as many

many as be perfect, be thus minded; and if in any thing ye be otherwise minded, God shall reveal even this unto you." And we are bid, 1 Theff. v. 21. "Prove all things, hold-fast that which is good." St. Paul judged that not only to tolerate, but to examine and prove all things, was no danger to our holding fast that which is good. How shall we prove all things, which includes all opinions at least, founded on Scripture, unless we not only tolerate them, but patiently hear them, and seriously read them? If he who thinks himself in the truth, professes to have learnt it, not by implicit faith, but by attentive study of the scriptures, and full persuasion of heart; with what equity can he refuse to hear or read him, who demonstrates to have gained his knowledge by the same way? Is it a fair course to assert truth, by arrogating to himself the only freedom of speech, and stopping the mouths of others equally gifted? This is the direct way to bring-in that papistical, implicit, faith which we all disclaim. They pretend it would unsettle the weaker sort; the same groundless fear is pretended by the Romish clergy. At least then, let them have leave to write in Latin, which the common people understand not; that what they hold may be discussed among the learned only. We suffer the Idolatrous books of Papists, without this fear, to be sold and read as common as our own: why not much rather of Anabaptists, Arians, Arminians, and Socinians? There is no learned man but will confess he hath much profited by reading controversies, his senses awakened, his judgement sharpened, and the truth which he holds, more firmly established. If then it be profitable for him to read, why should it not, at least, be tolerable and free for his adversary to write? In Logick, they teach, that contraries laid-together more evidently appear;

appear; it follows then, that, all controversy being permitted, falsehood will appear the more false, and truth the more true; which must needs conduce much, not only to the confounding of Popery, but to the general confirmation of unimplicit truth.

A vicious course of life disposes men to fall into Popery.

The last means to avoid Popery, is to amend our lives. It is a general complaint that this Nation, of late years, is grown more numerously and excessively vicious than heretofore; pride, luxury, drunkenness, whoredom, cursing, swearing, bold and open atheism, every-where abounding: where these grow, no wonder if Popery also grow a-pace. There is no man so wicked, but sometimes his conscience will wring him with thoughts of another world, and the peril of his soul; the trouble and melancholy which he conceives of true repentance and amendment he endures not, but inclines rather to some carnal superstition, which may pacify and lull his conscience with some more pleasing doctrine. None more ready and officious to offer herself than the Romish, and opens wide her office, with all her faculties, to receive him; easy confession, easy absolution, pardons, indulgences, masses for him both quick and dead, Agnus Dei's, reliques, and the like: and he, instead of "working-out his salvation with fear and trembling," strait thinks in his heart (like another kind of fool than he in the psalms) to bribe God as a corrupt Judge; and by his proctor, some priest, or fryer, to buy-out his peace with money, which he cannot with his repentance. For God, when men sin outrageously, and will not be admonished, gives-over chastizing them, perhaps, by pestilence, fire, sword, or famine, which may all turn to their good, and takes-up his severest punishments, hardness, besottedness, of heart, and idolatry, to their final perdition. Idolatry brought the Heathen to heinous

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transgressions, Rom. ii. And heinous transgressions oft-times bring the slight professors of true religion, to gross Idolatry : 1 Theff. ii. 11, 12. " For this cause God shall send them strong delusion that they should believe a lye, that they all might be damned who believe not the truth, but had pleasure in unrighteousness." And Isaiah xlv. 18. speaking of Idolaters, " They have not known nor understood; for he hath shut their eyes that they cannot see, and their hearts that they cannot understand." Let us therefore, using this last means, (last here spoken-of, but first to be done,) amend our lives with all speed; lest through impenitency we run into that stupidity, which we now seek all means so wearily to avoid, the worst of superstitions, and the heaviest of all God's judgements, Popery.

By this tract on Toleration it appears that *Milton*, (though a most powerful and vehement advocate for both Civil and Religious Liberty), yet thought that Papists, from the hostility of their principles to the members of all other Churches but that of Rome, were not proper objects of Toleration, under a Protestant Government. How much more would he have been shocked, if he had been now living, at the opinion that is now adopted by the new Whigs, as they call themselves, who wish not only to tolerate them, or permit them to profess the Popish Religion, and make use of the mass, and the Popish sacraments in their places of worship, (which is properly *Toleration*), but to make them capable of holding judicial offices and administering the laws of England in our Courts of Judicature, and of commanding our Navies and Armies. This they call *Catholic Emancipation*; but I should think it ought rather to be called *Catholic Exaltation*.

THE INTEREST OF ENGLAND

STATED:

OR,

A FAITHFUL AND JUST ACCOUNT OF THE AIMS
OF ALL PARTIES NOW PRETENDING.

DISTINCTLY TREATING OF THE DESIGNEMENTS

OF

THE ROMAN CATHOLICK.

THE ROYALIST.

THE PRESBYTERIAN.

THE ANABAPTIST.

THE ARMY.

THE LATE PROTECTOR.

THE PARLIAMENT.

With their Effects in respect of *themselves*, of
one another, and of the *Publick*.

CLEARLY EVIDENCING

The unavoydable ruine upon *all* from longer contest:

AND

Offering an *Expedient* for the compofure of the re-
fpective Differences; to the *security* and
advantage, not onely of every *single*
Interest, but to the 'bringing
folid, lafting, *Peace* unto
the *Nation*.

PRINTED IN THE YEAR 1659 AND, PROBABLY,
ABOUT THE 20TH OF JULY.

INTEREST OF ENGLAND STATED.

To have a thorough sense of our present Sufferings, and a certain knowledge of the inevitable ruine, which our divisions (if not composed) will bring upon the Publick; as it is a matter of little difficulty in its self, so [is it] of very inconsiderable use. That which would be more behoveful, were to find-out an Expedient, for the alleviating the ills we now feel, and the prevention of those we fear; both of which, having been by several means, during a long tract of time, in vain attempted, the case is now by many given-over, as incurable. But, upon serious Consideration, it appears, that not the Malignancy of our disease has occasioned those mis-carriages, but the ill application of remedies has done it. In particular, that men have not either desired to know, or to remove, the distempers of the *Publick*, but laboured to throw-off their *Single* and immediate pressures, and, to that end, endeavoured to advance the party they adhered-to, and to beat-down all others: whereby it came-about, that Divisions, instead of Composure, have still grown wider; and passionate Hates, instead of being allayed, have risen higher, and been more exasperated. But, it being certain, that the real good of the Nation, consists not in the private benefit of single Men, but the advantage of the Publick; and *that* is made-up, not by the Welfare of any one Party, but of all; 'tis evident, that the only means to procure

procure the general good, must be commensurate unto the whole Community; looking upon all persons not as Heads, or Partisans, of any private faction or Interest, but as Members of the Nation; and the pretensions of single Men, or Parties, however numerous, are only so far forth to be pursued, as they advance the other general Interest. Which being laid down as evident and certain truth, the next consideration will be, what are the Interests of all the several parties of the Nation now on foot, and what the Publick is; that so discovery may be made how consistent the private aims are, both among themselves, and with the general: and also how possible it is to find-out an Expedient, for the atchievement of the common good.

If we take a view of the several pretensions, carried-on in the Nation apart, we shall find the most considerable to be, the *Roman-Catbolick*, the *Royalist*, the *Presbyterian*, the *Anabaptist*, the *Army*, the *Protesto-*
A view of the designs of the different Parties in the Nation.
rian, the *Parliament*.

1. 'Tis the *Roman-Catbolick's* aim not only to abrogate the penal Laws, and become capable of all employments in the Common-wealth; but to introduce his religion, to restore the rights of the Church, and utterly eradicate all that he esteems Heresie.

2. 'Tis the *Royalist's* desire to bring-in the King a Conquerour, to recover their losses in the late War, be rendered capable of civil employment, and have the former Government of the Church.

3. 'Tis the *Presbyterian's* desire to set-up his discipline, to have the Covenant re-infore'd, and only such as take it, to be employed in Church or State; to be indemnified in reference to what they have done, and secur'd of what they possesse.

4. 'Tis the wish of the *Baptized Churches*, that there might be no Ecclesiastical Government of any kind, nor Ministerial function, or provision for it; and that onely persons so minded, should be capable of employment; likewise to be indemnified for what they have done.

5. 'Tis the aim of the *Army*, to govern the Nation, to keep themselves from being disbanded, or engaged in war, to secure their pay, and to be indemnified for all past action.

6. 'Tis the desire of the Family of the late *Protector* to establish the Heir of his House, that they may rule him, and he the Nation, and so both preserve and advance themselves.

7. 'Tis the wish of the present *Parliament*, (as far as they have one common design) to continue themselves in absolute power, by the specious name of a popular Government; to new-model and divide, and, at last, take-down, the *Army*; and, finally, under the pretence of a Committee of Parliament, or Council of State, set-up an Oligarchy, resembling that of the thirty Tyrants in *Athens*.

Lastly, 'Tis the general Interest of the Nation to establish the ancient fundamental Laws, upon which every one's propriety and liberty are built, to settle Religion, to procure a general Indemnity for all actions past, to revive their languishing and almost dead trade, gain an alliance with our neighbour States; to put the Government in such hands, as, besides present force, can plead a legal title to it; into the hands of such with whose private interest that of the publick not onely consists, but in which 'tis necessarily involved; which likewise does least contradi~~c~~t the aims of particular

cular parties: Lastly, the hands of such, whose counsel is fit to direct in matters of deliberation, and courage fit to vindicate the injuries of the Nation.

Having impartially proposed the several Interests that each Party designs to it self, we come now to consider how far they are attainable; or, if attained, how consistent with the publick benefit; next, how consistent with that of all other parties respectively; and, in fine, how productive of the real benefit of themselves.

First, as to the Roman-Catholick pretensions of The Roman Catholick Party. restoring to the Pope his ancient revenue and jurisdiction, and the Church all that was alienated in *Henry* the eighth's time, 'tis no way feizable; the Perquisites of the See of *Rome*, and the payments to the Pope, being greater than our Contributions so much complained-of; and the impossibility of restitution of Church-Lands is plain from what was done in *Queen Marie's* days, when the greatest zealots for that profession, chose rather to throw their Beads into the fire, than resign their Conveyances of Abby-land. Then, as to his religion, 'tis visibly the ruine of all other parties; *Q. Marie's* reformation by fire and faggot, with all the terrors of the Inquisition, being inseparable attendants on it. Now, the bulk of the Nation being possess of the usage they should have from the Roman-Catholicks if they prevailed, besides all other Antipathies deeply radicated in the minds of far the greatest part of the Nation: it is morally impossible it should ever be introduced without a forraign force of such strength as to make an absolute conquest; which would involve the whole Nation, and the Papists themselves, in one common ruine: *The sword not distinguishing the Catholick from the Heretick; and having onely this kindness for its friends, to send them speedily to Heaven, when the others*

N B.

were designed for Hell * ; and this the Catholicks were sensible of in the invasion of 88, assuring the Queen of as great fidelity as she could expect from any of her Protestant Subjects.

The Royal-
ist Party.

Secondly, the *Royalist* pretension of having the King an absolute Conqueror, as it would destroy the Interests of all parties that have appeared against him or his Father, would infringe the liberties of the *English* Subjects in general, and in fine, oppress the Cavalier himself: besides, it is no way attainable by that party, being inconsiderable both in number and warlike preparations to the rest: yet farther, should he so prevail, the looking-back for restitution of all damages past in so many years, were utterly against his interest, and would forfeit the most absolute victory: no power being retained by violence, however acquired thereby. And in those terms of difficulty, the setting-up the primitive Government of the Church, at least in its full height, against so great a multitude of eager dissenters, according to probability will not stand.

The Pres-
byterian
Party.

Thirdly, the *Presbyterian* aim of setting-up his Discipline, has the former inconveniences, with the addition of some others; for, besides that its rise must be the overthrow of all other parties, which are more considerable in the Nation than themselves; that rigid Government no ways complies with the *genius* of the Nation, nor the frame of our Municipal Laws: which the late King was well aware of, when he conceded to the setting of it up for three years, being fully satisfied how effectual an argument the experience of that short time would be to persuade the Nation to endure so

* The very words of a Spanish Friar, when demanded what they would do with the *English* Catholicks in 1588.

galling and heavy a yolk no longer. As to the point of Indemnity, *that* is secured sufficiently in the preceding paragraph; for, if the *Cavaliers*, who are the great sufferers, must have no reparations (as I am confident they expect none) there is no other party else to fear the making any: and, as the Case now stands in the Church, the late discouragements for learning have left so small a store of persons fit for Ecclesiastical employments, that Livings will want Scholars of what party soever, and be scarce supplied; and not Scholars be destitute of Livings.

Fourthly, the pretensions of the *Baptised-Churches* The Baptized Churches. have no less inconvenience attending them: as first, importing the ruin of all other professions of religion; the adherents to which are evidently not onely the most numerous, but infinitely the most substantial part of the Nation: then, if attained, they cannot possibly subsist, it being a *Maxime* in policy, that *Religion is the Cement of Government*, without a publick profession of which, and the maintenance of Learning and Ministry, Atheisme and disorder must needs break-in. Withal, they having no temporal Government, either in a single person, or community, to which even themselves would unanimously submit, they cannot incorporate into a civil society, of any kind. Lastly, the practices in *Germany* by the *Anabaptists* there; their cruelty, and all manner of disorder; their taking-away all property of Estates, founding it in Grace and Saintship, with the hard treatment which the *Papists* in *Ireland* have found, and the *Presbyterian Scots* in the *North* part of the same kingdom have lately received from that party, make all other parties infinitely dissatisfied in their acquiring any power over them.

Fifthly, as to the *Armie's* governing the Nation; I The Army.

*On the 7th
of May,
1659.

shall not insist on the inconsiderableness of their number, or the intolerableness of being ruled by the sword, &c. There needs no more be said, but that, a few weeks since, they so plainly saw the impossibility of it, that they were content to put the power * into the hands of those persons whom they had most highly disoblighd of all men, and whose interest visibly it was (and alwayes will be) to pull them down; not knowing otherwise how to dispose either of themselves, or the power they had taken from the Protector, and the former Parliament; nay, they are now content to have their officers thrown-out after an arbitrary manner, and those that remain, forced to take Commissions from their new Masters, and old enemies; which are to last but for a few moneths, and possibly be taken-away before many days pass-over. In the mean time aw'd with the exclusion from indemnity, as also with the raising County-Troops, and new *Militia's*, which (what ever is pretended) are designed onely to check and curb them: likewise, their Arrears so pitifully satisfied, that they seem rather a jeer then payment; and yet they chuse to submit to all this, rather then venture the confusion of assuming the power into their own hands.

The Protectorian
Party.

* Richard
Cromwell

6. The pretensions of the *Protectorian* Interest, are now so lowe, so odious; and, what is worse then that, ridiculous to the Nation, the severall Members of the Family having been false to one another, and their best friends, and the late Heir * having in his person betrayed so much folly and cowardize, (two Ingredients which will destroy any Government;) 'twould be impertinent to shew that it cannot be acquired, or, if possibly returned, could not be settled; and of the unattainableness of their design, the old Protector himself would be further evidence, whose successes and repute in the

World

World gave him advantages far before those any of his Line can hope to have; and yet we see, he could never get that title he so much thirsted-for; and, if he had gained it (which it is credibly reported, he designed upon that very day he dyed) 'tis visible to prudent men, how fatal it would have been, even to him: But lastly, how far it would be from the Interest of the Nation, to espouse such a quarrell, as the maintenance of that Family, with their lives and fortunes; let them be Judges, who in their Addresses solemnly promised to do so, and, within few weeks after, utterly deserted it.

7. The remnant *Parliamentary* Interest, is of like nature; that rises merely by the Armie's favour, and can stand only on its Ruine, and the Nation's. Its plea of right is so thin, that a sober person would be ashamed to own it; they being (to passe by other failances) long agoe, legally dissolved in the death of the King; after, apparently at least, [having been] made unfree by the seclusion of their Members: and lastly, actually dissolved by the late Protector; which was acknowledged by as many Members against themselves as fate in the intermediate Parliaments; especially in the last, which was called upon the old national account, and had the authority of the Act for a triennial Parliament to ground their convention. And now, to compleat the Tyranny and Usurpation, this carcase * of a Parliament, dead many years

The Party
of the Com-
monwealth.
Parliament.

That of the
Protector,
Richard
Cromwell.

* It appears by this passage that this Common-wealth-Parliament, (consisting of a remnant of the famous long Parliament that met at Westminster on the 8d of November, 1640, and conducted the Civil War with King Charles the First,) was at this time (July 20, or 21, 1659,) spoken-of with great slight and contempt on account of the small number of persons of which it was composed, after the forcible seclusion of a great majority of its members in December, 1648, by the army, to make way

years ago, being conjured-up from its ashes and rottenness, by the omnipotence of the Army, continues the old seclusion still, and fills not up the vacant places : nay, is so far from filling-up, that its primary aim is to overthrow the constitution of Parliaments ; and, though it pretends to popularity, dares not refer itself to the free votes of the people. Nor may they hope to fool the Nation with promises of not out-fitting a prefixt time, or with their *Rotations* and *Pontifical Elections*, which are no way grounded on the people's choice, and, besides, lay no foundation of Settlement, as being unpracticable ; and, what is more, when settled, may be varied, both by their present Contrivers, and by those future persons that shall be chosen ; and lastly, by the Army, without whose licence nothing is valid, or of force. In short, its pretensions are far more destructive to the Nation, then even the *Protectorian* are, it being better to submit to the lust, and serve the ends, of one Family

for the trial and execution of King Charles the First. And on the 11th of the month of February, in the following year, 1659-60, upon the reconciliation of General Monk and his army with the Mayor, Aldermen, and Common-Council of the City of London, (after having executed some severe orders given him by the Parliament against their rights and privileges, which had highly incensed them,) they received the name of the *Rump Parliament*, by which they are often called by Historians. Dr. Skinner, in his Life of General Monk, (which contains a very exact account of the several steps taken by him to bring-about the Restoration of King Charles the Second,) informs us of this circumstance in these words, " But, before this, the apprentices and common people, in detestation of the Juncto, (to whom they had given this night the lasting name of the *Rump Parliament*,) had set all the bells in the city onringing, and kindled bonfires in every street, which continued till morning, and this Saturday night, February 11, was called *The roasting of the Rump*." Chapter xviii, Section ix.

then

then of twelve, or thirty, or whatever number the Oligarchy fixes. Its subsistence depending merely upon this Army, whose visible Interest it is to dissolve them, they cannot possibly bring-about their ends; for should they take-down this, and modell a new Army, the Interest of that would be the same, though the men were changed; and the mutual ruine of each other must still continue necessary for the support of either.

From which premises we may conclude; that the pretensions of no party now on foot in the Nation are attainable: or, if attain'd, are consistent with the good of other parties, or of the Nation; or, in fine, with their own; and from hence likewise, one would be apt to conclude, that the ruin of the publick is inevitable; there being no door of hope left open to receive, no method visible to unite, so distant and incompatible ends.

But, notwithstanding all this, 'tis not impossible, no nor hard, to find an Expedient that shall evacuate all these difficulties: not only establish the general Concernment, but (exorbitant passion only retrencht) satisfy the reall Interest of every party, nay, single person, in the Nation.

Now to the cheerful reception of such an overture, I suppose there is no need to persuade, nor more for to admonish, that words and names, however rendered odious, are not to fright us from our certain Benefit and dearest Interest. All that is demanded here, is, that, if, upon serious consideration, the proposal be found reasonable, men would be so kind to themselves as to receive it. The Assertion I doubt not to make most plain and evident, and therefore shall as plainly pronounce it. 'Tis this, *The calling-in the King,* is That the calling-in the absent

King would contribute most to the peace and settlement of the Nation.

the certain and only means for the preservation of the Kingdome, and also of the rights and Interests of all single persons in it.

To make this evident in every part, I will retain the former Method, and take a just account of all the before-mentioned particulars, that there may be no possibility left for Fallacy or Errour.

I begin with common national Interest. And that this accords with it, becomes manifest; for that the first requisite, "the establishing the fundamental Laws," necessarily brings-in the King. This likewise affords a legal way for redressing of grievances, of what kind soever, and a sure and full Indemnity to all persons; will settle Religion upon such a Basis, as shall give satisfaction to all that are for Government in the Church; as also those that dissent therein. It being visible, that all *English* men are equally neer to him, to whom they relate, not by the private names of Faction or Opinion, but by that one common bond of Allegiance; there being no more reason why he should be partial in his affections to them, while they all agree in Loyalty, (though they differ in other matters;) than why a Father should be fond to one Son, and discourage another (both being equally obedient) upon pretence of their divers hairs or complexions; though Tyrants and Usurpers have found it necessary still to cajole and fool some one faction, that they might make an interest which they had not, and by any means gain a colour and support to their usurpation. This, and this onely, will advance Trade, which the *Spanish* and *Danish* quarrels have almost destroyed;—will give an alliance with neighbour States, his Family being already engrafted into the principal Stems of *Europe*, and his future marriage giving opportunity to make an advantageous

tagious affinity to strengthen those present Interests ;— this will take-off the vast charge of Intelligence and bribes, which have been hitherto employed meerly against the restitution of his Family: will superceed the necessity of those unreasonable wars, that were begun upon that single account, (I need not instance in particulars to make myself understood.) 'Twill cut-off the charge of the Appendages of this Crown, the *Scotish* and *Irish* Nations ; which are now from hence become a burthen ; besides a ground of Everlasting Jealousie and danger. Yet further ; the Government being put into the King's hands, 'twill be established not onely by that power which is committed to him ; but by the more sure exactors of obedience ; affection and duty. He being an hereditary Prince, his private interest must be the same with that of the Nation ; which too will not be limited by the present age, but reach posterity. This likewise very well consists with the Interest of all private parties, as anon shall be particularly made manifest. Moreover, the Government will be put into the hands of a person so fit for employment as no one living the like : his education through all hardships of fortune, his converse abroad in the Courts of the most considerable of his neighbour Princes ; his managery of business in his own person ; his engagements in warlike hazards ; with others likewise of all kinds : his age perfectly mature ; his understanding sharp to apprehend ; and resolution steady to pursue ; joined with an infinite sweetness of temper ; concurring to make-up so perfect a sufficiency for Empire, that the most wanton wishes of men cannot fancy any thing, that he will not either make good, or out-do. But farther, to manifest the restoring of his family to be the onely means of settling the Nation, I add this evident proof ; "That we have

A favourable description of the absent King.

It is the general desire of the Nation that the King should be restored.

Of the benefits that would arise to the several Parties in the Nation from the Restoration of the King.

have made trial of all other forms of Government, and of his in another Line, all in vain :” First, of an *Aristocracy*, while the House of *Peers* survived ; then of a *Democracy*, in the House of *Commons* by itself : After, of a *Monarchy*, in the old *Protector* and his *Son* ; and now of an *Oligarchy*, in the present usurpers at *Westminster* : so that there is nothing now left us, but either Anarchy or his Restitution. Besides this, “ that the ancient regal Government is the desire of the whole body of the Nation,” becomes plain from hence, that all late Parliaments, however unequally chosen, have (or were suspected to have) designed the reduction of it ; and that this is the present sense of almost every man, is so notorious, that the late Petition * of *July 6*, address’d by the men of *Westminster* to themselves, and for which they give themselves solemn thanks, knows not how to dissemble it, but confesses in plain terms, *That the Interest of the late King’s Son is cryed-up and promoted daily, upon pretence that there will be nothing but confusion and tyranny until he come to govern ; and that such as declare for a Common-wealth are for Anarchy and Confusion, and can never agree among themselves what they would have.*

I shall not farther enlarge upon this head, but proceed to what remains before me ; to justify the Necessity of bringing-in the King, in reference to the private concerns of every party in the Nation ; and

1. ’Tis the interest of the *Roman-Catholics* ; for by that means the heavy payments now on their Estates, with other burthens, will be taken-off ; and as to the pressures of Penal Laws, they cannot but remember

* That themselves penn’d that Petition, was at first easily conjectured, but is now certainly known.

how far from grievous they were in the late King's time, the Catholics living here, notwithstanding them, in a more flourishing condition than those of *France*, *Italy*, or *Spain* did, under their respective Princes; and would do infinitely more under their natural King, than if any forraigner should acquire the power by conquest: Besides, they, generally having adhered to the late King in his Wars, have no reason to distrust the finding favourable treatment from his Son, and a due share of that indulgence which he is ready to afford to even his greatest Enemies.

2. The *Royalist* and *English* Protestant, besides that his principles oblige him cheerfully to pay his obedience where it is due, and to look no further, is likewise by his Interest concern'd to be content with such a restitution of the King as allows no private reparations for past sufferings; they thereby acquiring full possession of what remains; and the settlement of the Nation would make the smallest estate more advantageous than the greatest would be, if acquired by violence; which unavoidably would defeat all terms of union, and involve the Nation in new Wars: So likewise, if the necessary parts of their way of Worship be secured, (which no party would envy them, being in a manner gratified as much themselves) circumstances, other things, would be easily settled by a fair and amicable treaty.

3. It is the *Presbyterian's* interest this; as being the only way to preserve himself from ruine at the hands of those lesser parties that have grown-up under him; who, utterly oppose all Government in the Church, the being and the supports of the Ministerial function, and the encouragement of the party in the State. The speculative differences and contests with the Episcopal Divines, are, in the opinion of moderate

men

men of either judgement, easily attoned: And this compliance, as the most necessary, so will it be the most honourable act to them imaginable; silencing all those vehement suspicions, and hard censures, that now pass uncontroll'd; and justifying those pretensions of Loyalty to the King, which were wrote in their Banners, and solemnly covenanted-for in the beginning of the War: Besides, it is, upon the matter, what was desired at *Uxbridge*, and agreed-upon at the Isle of *Wight*. But, if any of the party be unsatisfied herein, let him consult the late very memorable Writings of Mr. *Prynne*, which many have thought fit to deride, but no body seriously to confute; and he shall find what will abundantly convince him.

4. As to the Interest of the *Baptized Churches*; their pretensions of throwing-down all other parties, being not feizable; 'tis their concern to acquiesce in the most moderate Church-government; which is certainly the Episcopal, confest to be such, (even as exercised heretofore,) by all parties in their disputes and differences with each other; and yet is fairly capable of such farther allays, as shall appear to be for the peace of the Church and Nation. Besides, it being a fundamental with them of the Independant way, to admit liberty of Conscience; they have no reason to be angry, if persons of different Judgements proceed according to their principles: And, this being indulged to them, with the assurance of enjoying their temporal possessions, there is nothing imaginable, which with reason they can desire more. Their very Satisfaction of taking-down Tythes, being so far from yielding them any real advantage, that 'tis most visible, all it will do must be this, "to translate these payments from the Clergy to State-farmers." And by that time they have tasted the difference

difference between the precarious collections, and almost begging, of a Minister, and the cruel exactions and gripes of a Publican's iron hands; I dare promise for them, they will heartily unwith all their unreasonable and ill-grounded desires in that behalf.

5. It is the Interest of the Army to call-in the King. For, first, to be under a single person, is so palpably their concern, that there is scarce a common Soldier among them, who is not sensible of it: and, if so, then evidently, it is better to be under him than any other; for thereby they cut-off the necessity of perpetual Wars, and so the hazarding of all their acquisitions; thereby they assure themselves, from those dangers of being taken-down, stop in pay, and defeated of Arrears: He being the only person that can (with a free Parliament) raise Contributions and Taxes in a legal manner, and to the satisfaction of the Nation. And [he is also] the only one that can trust them as a standing body; which usurpers never must do, as is manifest by the treatment the Army has hitherto had under their several Masters; for, to passe by their present usage, before decypher'd by me; the old Protector made them Stales and properties, not only (to assist his Tyranny,) employing them against the Enemies of his particular, and not the Nation's, Interest: But he did it also to ease himself of such of them as had more honesty, wit, or courage, then he thought fit for his purposes. Hence they were cast upon the *Irish, Scottish, Flanders, French, Jamaica*, Service, turned on Shipboard in the Fleets, garbled, discarded, or removed from place to place, seldom trusted long under the same Officers, nor suffered to communicate Counsels, or meet at a general Rendezvous. When on the other side, a Prince that has a just title to support him, has no ground of such suspi-

Hardships imposed upon the Army by Oliver Cromwell arising from his jealousy and fear of them.

N. B.

cions

vions, but, reposing himself on the loyalty of his people, will honourably, and with affection, treat all that in any employment serve him. And, as to the person of the King, he has a natural and particular respect for this Army; however they have deserved of him: admiring their valour and discipline, even when employed against him. I will give but one instance, which, though it may seem slight, is not so as to the point in hand. 'Tis this; In the late *Flanders* service, upon the occasional mention of the Armie's behaviour, in the engagements with the *Spanish* forces near *Dunkirk*, the taking of the towns, and some other Services of lesser moment, he was observed still to give such an affectionate testimony to the *English* Gallantry, as was no way pleasing to the lesse noble hearers, who lik'd to have nothing besides themselves commended. Thus did he frequently contend for *their* honour, that fought against *his* honour and life to boot; and was *their* Champion, who were *his* Enemies. And indeed it would be infinitely strange, that they, who so prodigally spent their blood by Sea and Land, to establish an ungrateful Monster; whose recompence for the greatest merits, was only the objecting [them] unto new and greater dangers; whose certainest pay was suspicion, affront, and injury; then afterwards submitted to his Son, a person of no worth or credit, of whom this comparative commendation can only be given, that he is not so very a Brute as his Brother; and (to close all) assumed the long-forgotten dregs of a cast Parliament, should envy to themselves, the honour and advantage of being commanded by a Prince, of known Integrity and Virtue; a Prince that loves them, even in despite of all their injuries; and (which is the highest endearment among Soldiers) a Prince of eminent personal Valour,

Oliver
Cromwell.

Valour, which several of themselves are witnesses of, especially at *Worcester* and *Mardike*, and, if they pleased, might be in more and fairer instances: Lastly, a Prince, who is the only visible Expedient upon earth, to render at once, both them and their posterity, and the whole Nation, happy. Were this directed to the *French* or *Spanish* Infantry, (those venal Souls, that understand nothing besides pay and plunder;) these arguments from reason, national Interest and honour, would possibly be lost: But to the *English* Army, (that still has owned a publick Spirit, where every common man knows how to direct as well as to obey, and to judge no lesse then to execute,) to have proposed the Truth, must be enough: nor will they fail to fix their thoughts upon it, or steer themselves as prudence shall instruct.

Lastly, as to the Interest of the Protector's party, and the Parliament, they are concerned to call in the King. For, it being impossible for them to make good their aims, it must be wisdom to secure themselves and their estates, and take part in that Oblivion and amnesty, which he is ready to give, as also in those rewards, which, whoever serve him in any kind, (especially in being instrumental to his restitution) will be sure to have.

Now to all this, I can foresee but one material objection; which is, that the several forementioned parties cannot be secured, that the admission of the King will not be insidious and ensnaring to them; and that, whatever engagements he now makes, when he shall come to power, he will, in likely-hood, rescind and cancel. To which I briefly answer, that this is no real objection at all: for some body or other must be trusted still, there being no living in the world without mutual confidence; and whoever is invested with power, may do injuriously, in despite of any foresight: Besides, amongst all these parties, where each is exasperated

Of the doubts entertained by some persons concerning the faithful performance of any condition, as to which the absent king should give his consent in order to his restoration.

N. B. against the other, there will be the same, or greater, cause of jealousy, if any of them were suffered to prevail. And 'twould be worth the thinking of, whether it were not a manifest Judgement of God upon us, that broke the treaty with the late King, upon suggestions, that it was not safe to trust him, and chose to rely upon the faith of one of our fellow-subjects: That he should

N. B.
Of the per-
fidy and
Hypocrisy
of the late
Protector,
Oliver
Cromwell.

There are
just grounds
for thinking
that the
king will
faithfully
observe
such condi-
tions.

prove the most perfidious person in the World, to all that trusted him; to the Parliament, the Army, the Nation, and even his private friends and allies; in-
much, that no history of any age or people, can yield a parallel to him for falseness, perjury, hypocrisie, and breach of faith; and, if this look like judgement, 'twill then be worth the weighing, whether it become us to go-on in our unfortunate, infidel, practise still? In cases of this kind, there are but two ways of assurance; I mean so perfectly uncontrollable as to be valid, if either of them both be present. The one is the Honesty of the person that engages; the other is his Interest: and here, not one of these alone is present, but both concur; which certainly must make-up a security [that will be] beyond all doubt or question. As to the Honesty of the King, no malice has the impudence to blast it; his Moderation, Sobriety, and Justice, being as well known as his misfortunes are. Next, as to Interest, it visibly concerns him to be punctual in his engagements; First, to offer pardon to all that stand in need of it, and then most faithfully to make it good in each particular: losse of Credit infallibly breaking the Merchant and private dealer, but ruining more irreparably the publick, national, one; when, on the other side, precise, exact, performance strangely supports both one and the other. Of the benefit hereof, I shall give an eminent instance of late memory in his own family, and therefore of which we cannot suppose him to be ignorant. It is his
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Grandfather, king *Henry* the fourth, of *France*, who, after long Wars, coming to his right, besides his relief from *Q. Elizabeth*, by no other humane aid, but the relenting and late wisdom of his own people; and, being forc'd to make a peace, by many particular treaties, still was exact in keeping them; and received into his entire favour, and solid friendship, all those who had fought against him; and govern'd his most important affairs, both Civil and Military, by the counsel and conduct of his sometimes Enemies; such as were not only the Duke of *Nevers*, *Villeroy*, and President *Jeannin*, but even the head of the League, the Duke of *Maine* himself; to whom he committed the conduct of all the force of *France*, (though then personally present) when the prince of *Perma* came to relieve *Amiens*; and after, to make good his own promise of Indemnity, protected him, being questioned for the Murder of *Henry* the third, by interposing his own supreme power, when the chambers of Parliament were ready to condemn him; though thereby he was sure to undergoe the imputation of rescuing so great a Malefactor, against the clamours of the people, the regular process of the Law, the passionate demands of a disconsolate Widow-Queen, and his own particular nearnesses of the highest mark, his relation to him both in Blood and in Succession. Yet, by doing this, he not only settled himself, but attained that greatness which no other method could have contrived for him. And why we should think the King resolv'd not to consult as well for himself, as his Grandfather did, I suppose it will puzzle the wisest patrons of distrust, to give the least pretence, or shew, of reason; as also it would do, why we should not take pattern by that part of the Story which as nearly concerns us; for, they being exactly in the same case we now are in, crumbled into

Of the wise and upright conduct of king Henry the 4th of France towards the party that had deposed his succession to the Crown



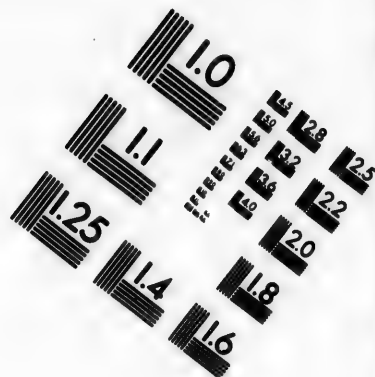
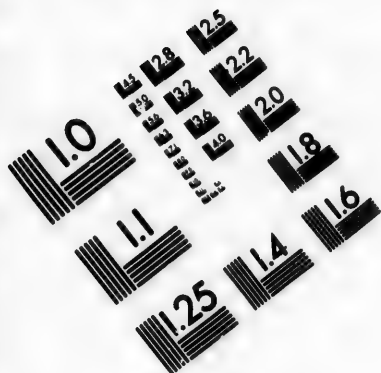
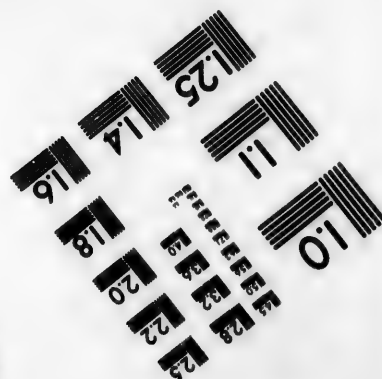
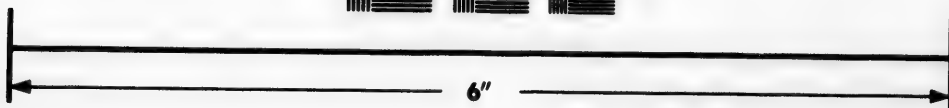
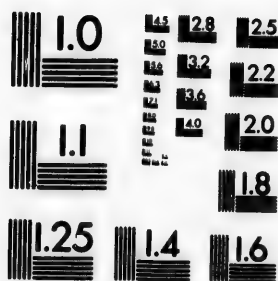


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as many divisions and subdivisions, as so great variety of Interest and Religion in that long Civil war could make; bearing an inveterate, mortal, hatred each to other, and almost all of them to the King; yet, seeing the ruine approaching both from themselves and strangers, the whole *French* Nation did submit to its Prince again, at whose throat their sword had so often pointed, and whom they had for so many years devoted to hell as well as death, under the title of Heretick and Apostate; and, by so doing, they became suddenly the most flourishing and the most potent people of *Europe*. But, besides this, the King has yet a farther motive to offer Grace to all that will accept it, and religiously to make it good, that is peculiar to himself, and of proportionate value with him; the command and strict injunction of his dying Father, whose memory he too much esteems, not to fulfill that legacy and last bequest of his, were there no other motive to persuade him. His scrupulousness in this particular is known to be such, as to become a charge against him, and that with more than ordinary vehemence, from the hot spurs of the two extreme parties he has had occasion to deal with, the *Catholic* and the *Presbyterian*. The injunction I mean is notorious to every person, making-up a great part of the *Missive* directed to the now present King, under the style of Prince of *Wales*; I cannot forbear to insert a few lines, as they fell from the pen of the incomparable Author. They run thus:

I have offered Acts of Indempnity and Oblivion in so great a latitude as may include all that can but suspect themselves to be any way obnoxious to the Laws, and which might serve to exclude all future jealousies and insecurities.

I would have you always propense to the same way; whenever it shall be desired and accepted, let it be granted,

granted, not only as an act of State-policy and necessity, but of Christian charity and choyce.

It is all I have now left me, a power to forgive those that have depriv'd me of all; and I thank God I have a heart to do it, and joy as much in this grace which God has given me, as in all my former enjoyments; for this is a greater argument of God's love to me, than any prosperity can be.

Be confident, as I am, that the most (of all sides) who have done amiss, have done so, not out of malice, but misinformation, or misapprehension of things.

None will be more loyal and faithful to me and you, than those Subjects who, sensible of their errors and our injuries, will feel in their own souls most vehement motives to repentance, and earnest desires to make some reparations for their former defects.*

But, if all this be not enough to supersede suspicion and doubt, let me yet add a farther testimony. The King admits at this day to his bosome and neereſt truſt, several persons, that have been engaged against his father, and some of them in actions most fatal to his affairs; an infallible assurance, that it is only the fault of the rest, that they are not there too. More then this, concerning a future performance, to assure it, can not be said or done, except it should please God to work Miracles; which, I hope, no body does now expect.

The ſhort of all is. Without truſting ſome one or other, the Nation is certainly deſtroyed: and no perſon in the world, beſides the King, is in a capacity to avert the impendent ruin, or can give the like ſecurity of himſelf, as he can do. I will not now preſcribe unto the reader's underſtanding, in dictating an inference;

* The King's Book, ſect. 27.

but, from the Premises, desire him at his leisure to draw-out the conclusion.

Having thus without passion, partiality, or prejudice, endeavoured clearly, to lay-down the exact case of the Nation, both in respect of its disease and cure; 'twill be superfluous to add perfwatives: for men do not use to be importuned to leave their torment or disease, or want rhetorical Enducements, after the pleadings of Interest and Profit. I forbear therefore to addresse myself unto Affection, and to beg that thing, which visibly it concerns them that are courted, to render their importunate request and suit: Nor will I enlarge upon the motives yet untoucht, drawn from Religion, and the respects of Protestations, Covenants, and Oaths; as also native Allegiance; or (what is infinitely considerable,) motives taken from the state of publick affairs abroad; our neighbour Nations being now at peace among themselves, and looking-out for forraign war, thereby to employ their uselesse forces; pretence, and colour, and desire too, for the undertaking of which, we have given to every one about us, in our late attempts on them; and [our present unsettled state] likewise yeelds [them] assurance, that they shall succeed by our disagreement here among our selves. Let all this be seriously weigh'd: I am factor for no Interest or Party, nor seek the thanks, or favour, of any person, but rather expect the fate of Reconcilers, "to displease every body." But let that succeed as it shall happen: the injury that I have done cannot certainly be esteemed great; all that is said, amounting but to this very reasonable desire, "that my fellow-subjects will remember these two plain truths, first, "that they are *Englishmen*," and so consider the good of the Nation; and then, "that they are men," and so pursue their own.

SUBSTANCE OF THE SPEECH

OF THE

EARL OF SELKIRK,

On Monday, the 13th of April, 1807, on the Motion of the Marquis of Stafford, That the House should come to a Resolution, "That
 " this House, feeling the necessity of a firm and stable Government
 " at this most important crisis of publick affairs, is impressed with
 " the deepest regret at the change which has taken place in his
 " Majesty's Councils, and that such regret is greatly increased by
 " the cause to which such change has been ascribed, it being the
 " opinion of this House, that it is contrary to the first duties of the
 " Ministers of the Crown to restrain themselves by any pledge,
 " expressed or implied, from giving to his Majesty any advice,
 " which, in their judgement, the course of circumstances may
 " render necessary for the honour and security of his dominions."

THE Earl of SELKIRK declared, that the propositions contained in the Resolution moved by the noble Marquis had, in the abstract, his unqualified assent. He had no doubt of the principle, that a privy Counsellor, who should restrain himself by a pledge, from advising His Majesty to the best of his judgement, would be guilty of a high breach of duty. He was also satisfied, that the late Administration possessed and deserved the confidence of the country. He did not mean to imply an unreserved approbation of all their proceedings; but he did not expect to see an Administration of more than human perfection. The fair criterion, by which to judge the late Administration was to compare their conduct with that of others; and in this view he was ready

to maintain, that considering the short duration of their power, they had accomplished, or put into a fair train of accomplishment, more important measures of publick good, and that with less of reprehensible conduct, than perhaps any Administration within our memory. He was also of opinion, that in the present state of Europe, the loss of a firm and stable Administration was an event deeply to be deplored.

The question before the House, however, was not whether these principles were true, but whether it was proper, under all the circumstances of the case, for the House to record an opinion on the subject. The plain object and intention of the motion, was to convey a censure on the dismissal of His Majesty's late Ministers, as founded on an unconstitutional act,—a censure in which he could not concur. The adoption of this motion, or of any other of a similar tendency, he considered as an unwarrantable interference in the exercise of the Prerogative.

The right of parliament, he said, to advise the crown upon the choice of Ministers, cannot go so far as to entitle the House to question the *motives* of His Majesty, for dismissing Ministers, who had lost his Confidence. The King cannot be required to take advice from men, in whom he cannot confide; and, were there no other reason, a diminution of Confidence is a sufficient ground for a change in His Majesty's councils. If, upon such a change, improper persons are substituted, it becomes the duty, as it is the right, of Parliament to state their opinion of the unsuitness of the persons appointed: but it is on these grounds of expediency only, that they can recommend one set of men, or reprobate another. It can never be maintained, that the King is accountable to Parliament, for his conduct in changing his Advisers,

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Such a doctrine would sap the foundations of the Constitution. If the motives for a change in His Majesty's Councils be a fit subject for Parliamentary investigation, as well might the two Houses proceed to the election of a ministry by a ballot. N. B.

Except upon the principle here contended-for, it would be impossible to prevent discussions, which are admitted on all hands to be utterly unfit for Parliament;—discussions upon the personal conduct of the King, and on points at issue between him and his Ministers. To illustrate this, let it be supposed, that the opposite principle were established, “that the motives for a change of Ministers are a fit subject of Parliamentary inquiry;” and then let an extreme case be put:—let it be supposed, that a Minister should in council offer a gross personal insult to His Majesty, such as would be an unpardonable offence from one individual to another, would there be a doubt that such a Minister, (be his talents and his virtues what they may,) might be properly dismissed? Now let the supposition be varied: instead of a gross insult, let us suppose an offence less unpardonable. The supposition admits of every possible gradation between the grossest insult, and the most venial inattention. Between the two extremes, cases may undoubtedly be imagined, in which it would be a matter of the utmost nicety to determine, whether the offence were, or were not, a sufficient ground for dismissing a Minister. If such questions as these are to be determined by Parliament, where is an end of the improprieties into which it would lead? and how are such questions to be avoided, if the motives of His Majesty for dismissing His Ministers are to be held a fit subject of inquiry?

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he change becomes a fit subject of enquiry, as involved in the discussion of the measure which led to it. The present is not a case of that kind, but one of those in which there is no criterion to be referred-to, except the feelings in His Majesty's breast, excited by the personal behaviour of his Ministers towards him.

The measure, from which all this discussion originated, having been abandoned by Ministers, is not the essential ground of difference, and therefore it is not at all to the purpose to enter into the *merits* of that measure. The whole question relates to the *manner* in which the measure was brought-forward.—As to the idea of the late Ministers having had an intention to circumvent the King, I cannot see the least ground for such an accusation: but it is not equally easy to acquit them of very blameable carelessness, and of the want of a becoming attention to His Majesty.—The very existence of misapprehension on so important a point, would entitle us to presume carelessness; and the statements made to both Houses of Parliament, by members of the late Administration, fully prove the fact. I cannot agree with some noble Lords, who consider His Majesty's determination on the Catholick question as immutable: yet, when his opinion had been so often and so strongly expressed, the King had certainly a right to expect that a change in his opinion should not be lightly presumed, without a very full and distinct explanation. It appears, however, that Ministers did imagine a change in His Majesty's opinion, upon the most vague inferences, and proceeded to act upon that supposition with a levity, that would scarcely have been becoming on a subject of the most trifling consequence. This conduct may fairly be considered as an act of personal inattention to the King, requiring an apology; and

and when an apology might have been expected, His Majesty received what, without any disposition to exaggeration, may be construed into a defiance.

When the late Ministers subjoined to the Minute of council, in which they agreed to withdraw the Catholick army bill, the reservations which have been the occasion of so much comment, it may be granted to them, that they had no disrespectful intention : yet, if they did not take sufficient care to explain themselves, they have no right to complain that their expressions were misunderstood. The King had said nothing which appeared to call for these reservations. The act, to which they were annexed, did not imply the admission of any principle to the contrary. The noble and learned Lord, lately on the woolsack, has himself stated, that the deference of Ministers to the king in the present circumstances did not imply that they must shew the same deference in others of more extreme urgency. If circumstances should hereafter have arisen, such as to render the Catholick concessions a measure of indispensable necessity, without which the affairs of the nation could not be carried-on, it would have become the duty of Ministers to state it to his Majesty, as a measure without which they could no longer remain in office ; and it is altogether ridiculous to suppose that they would have been precluded from this conduct, because they had on a former occasion relinquished a similar measure, at a time when it was to be considered as expedient and useful, but not of vital importance and absolute necessity. The insertion therefore of these unnecessary reservations might fairly be considered as a threat to renew the subject under circumstances of no greater necessity than the present. This interpretation is confirmed by the expression, that the advice alluded-to was to be submitted

N. B.

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ed *from time to time*—an expression which cannot easily be limited to those cases of impending destruction, to which it is now construed as applying.

Whatever might be the meaning affixed by the Council to these expressions, it is certainly no extravagant supposition to imagine that the King may have considered them as a disrespectful defiance, and as such a sufficient ground for the immediate dismissal of his Ministers. This, however, he did not resolve upon, but conveyed to them an expression of his willingness to overlook the conduct, of which he had a right to complain, provided he could be assured that he should not meet with the like in future. Such appears to be the obvious spirit and intention of that note from the King, which is described as the demand of a pledge from his Ministers. Though in form that note does demand a pledge, such as Ministers could not constitutionally accede to, yet it is to be considered, that this was a paper, dictated on the spur of the moment, and in which we are not to look for the accuracy of a special pleader. The spirit of it is essentially friendly to the Ministers, and implies a reluctance, on the part of his Majesty, to part with them, totally irreconcilable with the Idea thrown-out by a noble and learned Lord, that it must have been dictated by secret advisers, and founded on a previous resolution to dissolve the Administration.

N. B.

It appears, then, that the dismissal of the late Ministers may be fairly traced to the circumstances of their personal conduct towards his Majesty; and in this view of the matter, no one will consider it as a proper subject of parliamentary investigation, whether these circumstances were, or were not, of sufficient weight to induce his Majesty to that determination. The noble Lords on the opposite side, however, abstracting altogether from those

those emotions and feelings, from which the royal breast can no more be exempt than those of other men, overlooking all the circumstances, which provoked the ultimate demand of a pledge, considered the subject as a dry and insulated constitutional question. It would have been unconstitutional, they say, for Ministers to have given the pledge required, and therefore it was unconstitutional to demand it: and, if this act was not owing to a secret adviser, the new Ministers who accept offices, vacated in consequence of that unconstitutional demand, must be held as assuming the responsibility.

The principle, that a new ministry are responsible for the dismissal of their predecessors, and, retrospectively, for the measures upon which it proceeds, I hold to be sound, constitutional, doctrine: but the application, which is made of that principle to the present case, appears to me to be fallacious.

That the King can do no wrong, and that he can never act without advice, are principles of Constitutional Law, which, like many other doctrines of the Law of England, are expressed in figurative language; like all those principles which juridical writers express under the form of fictions.—These maxims, stripped of their metaphor and translated into plain language, appear to me to mean—1st, That the King has no power by the Constitution to do any publick act of government, but through the medium of some minister, who is held responsible for the act:—and, 2dly, That the personal actions of the King, not being acts of government, are not under the cognizance of law.

The principle, that the King can never act without advice, applies therefore only to acts of government. N. B. This interpretation is quite sufficient for the purpose which that maxim is intended to effect, viz. to secure the

the people from the abuses of bad government, through the restraint which the fear of responsibility may put on ministers. If this responsibility attaches on every act of government, on every act of the King in his executive or legislative capacity, the people have all the security, which that maxim can impart: and it would be absurd to extend it to the personal actions of the King as an individual, to the occurrences of his domestick life, or to the circumstances which may arise in the course of confidential communication between him and his Ministers, previously to their determining on any measure, which is afterwards to make its appearance to the publick as an act of government.

Upon a change of Ministry, the new Ministers are undoubtedly responsible for the dismissal of their predecessors as a publick act of government; and, where the dismissal is connected with any other publick measure, on that likewise, retrospectively, they become responsible for the negative of their predecessors' intentions, but not for any private consultations, between the King and his former Ministers, which did not terminate in any publick measure. In the present case, the demand of a pledge from the late Ministers cannot be considered in any other light than as an occurrence of private consultation in the cabinet—an occurrence which cannot be a proper subject of parliamentary inquiry, since it is only in consequence of the King's permission that the knowledge of the fact could ever have come to Parliament. That permission was granted for the sole purpose of enabling some of his late Ministers to clear their characters of aspersions thrown upon them; and it is surely a most improper trespass upon the generosity which led to that permission, that a proceeding, such as the present, should be founded upon it:—

N. B.

it:—a proceeding, which, however it may be intended by the noble persons who bring it forward, cannot be debated without a continual infringement of that important constitutional maxim, that the personal actions of the King are not to be made the subject of discussion.

Upon the whole then it appears that the argument in favour of the present motion rests entirely upon the gross fallacy of considering the demand of a pledge from Ministers as an insulated fact, and their refusal as the only assignable motive for dismissing them. It appears, on the contrary, that, independently altogether of any such refusal, the dismissal would have been justifiable,—that, before the demand was made, circumstances had occurred which might naturally and fairly have led to that dismissal. If upon receiving that Minute of Council, by which his Ministers agreed to give-up the Catholick Bill, the King, instead of requiring that the reservations should be withdrawn, had, immediately and without further explanation, sent for the seals of office, could any one venture to say that the act would have been unconstitutional? and shall we be told that the act, which the King might constitutionally have done before the demand of a pledge, became unconstitutional after that demand was refused—that the mere circumstance of the King's having inadvertently made a demand, which his Ministers could not with propriety accede to, can be sufficient to annul and bar the exercise of one of the most essential Prerogatives of the Crown?

The noble Lord proceeded to state, that the avowed object of the motion was to lead to the re-instatement of the late Ministers. However much he might regret that a change should have taken place, it could by no means

means follow that he should concur in machinations for forcing back upon the King any set of men who had lost his Majesty's Confidence. He argued that no practical good could ever arise from such a proceeding, even if it should succeed—that a ministry forced upon the King without his cordial approbation never could be secure,—that the only consequence would be to multiply changes; and that every change necessarily involves much inconvenience to the publick service. He agreed that it was of peculiar importance in the present circumstances of Europe, that we should have a strong and stable Administration. Such, undoubtedly, the late Administration was; and on this ground, among others, he regretted the change: but, though the late Administration was strong, it was by no means to be inferred that, if re-instituted, it would be equally strong. The strength of an Administration depends in a great measure on the opinion, which the Publick entertains of its permanence. Before these unfortunate transactions the late Administration was universally supposed to be immoveably stable. Such an opinion can never be renewed. They formerly possessed the Confidence of the King and the Country united: now they would possess neither; for, whatever sense the Publick may entertain of the great and splendid abilities of the late Ministers, the confidence formerly reposed in these talents must be greatly shaken by a view of the extreme indiscretion of their proceedings.

Lord Selkirk further observed, that, in the present circumstances, he could not approve, or concur in, a systematick opposition to an Administration, whose conduct is as yet unknown. He thought them entitled to a fair trial, and that they should not be condemned till their

their measures should prove them unworthy of confidence. It is true, that many individuals of the present Administration are well known, as publick characters: but, as a Government, they are a new combination of men, and as yet untried. He could not deny that many members of the present cabinet had expressed opinions on various subjects, which he did not concur with; and that, from a view of their former conduct, he could not avoid feeling considerable anxiety and doubt as to what their future conduct might be; but he could not carry this so far as to say that they should be excluded, as utterly unfit to be trusted. Notwithstanding the opinions which some of them had delivered against measures which he highly approved, he trusted they would see the wisdom of the maxim, which their predecessors had acted upon in coming into office, that, taking into consideration the unavoidable mischief of repeated changes, they ought to acquiesce in many things which they found established, notwithstanding their having objected to them when first enacted. He referred particularly to the measures adopted last session for the improvement of our military system, the spirit of which he trusted would be still adhered-to. It was also alledged that the new Ministers were pledged to a system opposite to that of conciliation in Ireland. He could not, however, perceive how they could fairly be considered as under any such pledge, and he trusted they would take the earliest opportunity of evincing the contrary, by giving to the Catholics, not merely assurances, but practical proof, that, however they might resist further concessions, they were determined to execute, in a liberal manner, the laws already enacted in their favour. Such a conduct, he was persuaded, would not only be more honourable, but of more ad-

vantage to the new Ministers, and tend more to promote the stability of their power, than if they should go-on to encourage religious animosity, and to excite apprehension in the publick mind for the safety of the Ecclesiastical establishment. By raising a cry of No Popery, they might gain the assistance of a wild and fanatical mob, but would excite the disgust and reprobation of every honest and sensible man in the Kingdom.

Lord Selkirk proceeded to state, that those who, in the present circumstances, do not approve of the avowed principles, or former conduct, of the newly-appointed Ministers, are by no means reduced to the alternative of joining with the determined partisans of the late Ministers in a systematick opposition: —that there is an intermediate line of conduct more honourable, more constitutional, better in every respect,—that of giving an independent, but qualified, support to Government, so long only as their measures are reconcileable with the main and essential objects of national safety.—In times like the present, a systematick opposition maintained by so powerful a party, must tend to embarrass the operations of Government, and to waste, in the struggle for power, that strength which ought to be directed against the common Enemy. Such proceedings may be fit for those, whose Interests are involved in the re-establishment of any particular Individual at the head of Administration: but those who are sensible of the imminent danger of our situation, and whose primary object is that national safety, in which our all is involved, will not be inclined to join the violent partisans of either side of the House. If a few persons of acknowledged character would unite in an independent line of conduct, they must gain the confidence of the people;

ple; though their numbers might at first be small, every thing they might say would carry weight, and even a small phalanx of such men might be able to repress ebullitions of a factious spirit, whether it should appear on the one side of the House or on the other.

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A SHORT VIEW OF THE GROUNDS AND PRINCIPLES
OF THE GLORIOUS REVOLUTION IN ENGLAND IN
THE YEAR 1688.

THE following tract was published in the year 1807, as a Preface to a third edition of the celebrated Debates in the House of Commons in the month of October in the year 1680, on the Bill for excluding James Duke of York, the brother of the then reigning king, Charles the 2d, from the succession to the Crown, upon the ground of his being a *Papist*, and likely, from the intolerant principles of the Popish religion, and his known zeal for its propagation, to make use of his power, when king, to re-establish that religion in England. And the preface sets-forth the conformity of his conduct four years after, when he had succeeded peaceably to the crown, (and was possessed of the full power, and more than the full power, justly belonging to it), to the apprehensions entertained of his designs by the eminent Protestant patriots, Sir Henry Capel, Sir William Jones, and others, who took the lead in those debates; that power having been employed by him throughout his whole reign in the boldest and fiercest attempts to introduce the Popish religion into England, and to destroy all the civil liberties of the nation. At last, by his violent measures he forced even the most zealous supporters of Monarchy in the kingdom, (who had, ever since the restoration in 1660, been preaching-up the doctrines of passive obedience and non-resistance), to suspend,

suspend, for a time at least, their high principles of loyalty, and to wish to see some stop put to the career of his tyranny. This general sentiment brought-on an invitation from some few courageous noblemen and gentlemen to the Prince of Orange, to come-over to England to their assistance with a small army;—not to conquer England, but to deliver it from arbitrary power, by obliging king James to call a free parliament to revive and confirm the extinguished laws and liberties of the nation, and the tottering Establishment of the Protestant religion. And the Prince of Orange complied with this invitation, and was received by the greatest part of the nation with great joy and gratitude, and considered as their Saviour and Deliverer. And, after some time, a meeting of the two houses of Parliament was obtained; but in an irregular manner and without the concurrence of king James: he being unwilling to authorize their meeting, and to consent to those acts of parliament which he knew they would soon propose to him for the preservation of the Protestant religion and the civil rights and liberties of the people. But no thoughts were entertained by either House of Parliament of proceeding against him as a criminal, for his misgovernment, nor even of deposing him, but only of requiring him to consent to such new regulations as should be thought necessary to prevent him from renewing his late attempts to destroy the Religion and Liberties of the Country. But this he would not submit to, and rather than do so, chose to retire into France and put himself under the protection of king Lewis the 14th, the notorious Persecutor of his own Protestant subjects, and unjust Invader of Holland and the other states in the neighbourhood of France, and general Disturber of the peace of Europe. This

resolution of abandoning England and retiring into France king James attempted twice to execute, and the second time with success. And then the two houses of Parliament, considering this abandonment of his country at this critical time as a decisive proof that he was determined not to consent to resume the government of the kingdom upon the terms of his coronation-oath, or so as to be bound to govern it *according to the Laws and Statutes of the kingdom*, (upon which terms alone he had any right to govern it), did, after much deliberation and great debates on the subject, declare that he had thereby *abdicated, or relinquished, the government*, and that the throne was consequently *vacant*. And then, after further debates, they proceeded to fill that vacant place by electing their great Assistant and Protector in this arduous business, William, Prince of Orange, (who was the nephew of king James, and grandson to king Charles the 1st, and likewise husband to the Princess Mary, king James's eldest daughter), and the Princess Mary his wife, to be jointly King and Queen of England, in his stead. And from the long debates on these two resolutions, and the small majorities of only two or three votes, by which they were carried, it seems next to certain that, if king James had chosen to continue in England and to consent to such new regulations as the parliament would have thought sufficient for the security of the Protestant religion and the civil rights and liberties of the nation against any future attempts of the Crown to overturn them, he would have been permitted to continue on the Throne. It was therefore king James's Obstinacy alone, and not the Ambition of the Prince of Orange, (as his enemies have often pretended), that brought about the change of the Sovereign of England on this occasion,

occasion, and gave us the wife and valiant William, Prince of Orange, (who had already distinguished himself as the Deliverer of his own country, Holland, from the unjust invasion of Lewis the 14th in the year 1672, and who had now delivered England from the dangers of Popery and Slavery in which king James had involved her), for our King, instead of the bigotted and arbitrary James, who had nearly compleated the ruin of our Religion and Liberty.

This Preface is as follows.

THE PREFACE TO THE THIRD EDITION OF THE
 "DEBATES IN THE HOUSE OF COMMONS IN OCTOBER, 1680, ON THE BILL FOR EXCLUDING JAMES, DUKE OF YORK, THE BROTHER OF KING CHARLES THE SECOND, FROM THE SUCCESSION TO THE CROWN OF ENGLAND," PUBLISHED AT LONDON IN JULY, 1807.

THE Debates of the English House of Commons, which are here re-printed, took place in the Parliament which met on the 26th of October, 1680, and was Dissolved by the King's Proclamation, on the 18th of the following month of January, in the year 1680-1. They relate principally to the Bill proposed in that Parliament for excluding *James, Duke of York*, the only brother of King *Charles the Second*, from his right of succeeding to the Crown of England, in the event (which was then very probable,) of the King's dying without lawful Issue. And the ground of this

important motion, was, "that the said Duke, by aban-
 doning the Protestant Religion, and embracing that
 of the Church of Rome, had rendered himself unfit
 to discharge the great Duties of the Office of a King
 of England, in maintaining the Protestant Religion,
 (which had been established in the Kingdom in the
 Reign of Queen Elizabeth,) and in defending the
 temporal Liberties and Privileges of the Subjects of
 the Crown against the Encroachments and Ufurpa-
 tions of the Papal Authority." This Bill was
 supported with great zeal and ability by several of the
 most eminent Patriots and Lawyers of that time, and
 particularly by that virtuous and much-respected Noble-
 man, William Lord Russell, (the eldest son of the then
 Earl of Bedford,) and Sir Henry Capel, and Colonel
 Silas Titus, Sir Francis Winnington, and Sir William
 Jones; who considered it as the only *effectual* remedy
 that could be provided for the Protection of the Pro-
 testant Establishment, against the attempts which, they
 expected, would be made to destroy it by the Duke of
 York, if ever he succeeded to the Crown; his zeal for
 distinguishing himself in the propagation of the new
 Religion which he had embraced, and his Ambition to
 be celebrated in the Annals of the Church of Rome, as
 one of her greatest Champions, and *the Destroyer of the
 pestilent Northern Heresy*, (as the Romish Priests
 denominated the Reformation) *which had, for more
 than a Century past, overspread the British Dominions*,
 having been, on various occasions, sufficiently made
 known to them. And they observed, that, if he were
 once admitted to the Throne, and acknowledged to be
 the lawful King of England, and consequently to be the
 Head of the Army, and of the Navy, and of the Militia
 of England, and Master of the Revenue of the Crown,

It would be extremely dangerous and difficult to resist any attempts that he should make for carrying his designs against the Protestant Religion into execution ; and therefore they concluded, that it was absolutely necessary, before that event took place, and while it was yet in their power, (if the King would graciously concur with them in the Measure,) to exclude him from the Succession to the Crown. The King, unfortunately, would not concur in this salutary and necessary Measure : and the Duke of York succeeded to the Crown, in February, 1684-5, four years after these Debates. And then the apprehensions, which these wise Patriots had entertained of the projects which the Duke was supposed to have formed against the Religion and Liberties of his Country, were fully justified by his furious endeavours to over-turn the whole Constitution of the government both in Church and State. And, if the Valour and Wisdom of the Prince of Orange, (who was nearly related to the Crown, being both a Nephew of King James, and the Husband of his eldest Daughter,) had not been exerted in defence of the Religion and Liberty of England, by his landing there with a small Army, of about 13,000 Men, not to conquer England, or to place himself on the Throne instead of his Father-in-law, (as some of his Enemies falsely and maliciously pretended,) but merely to enable the People of England to chuse Representatives and send them to meet together in a Convention, or Parliament, and there redress, in the manner they themselves should think proper, without any constraint from him, the enormous grievances they laboured-under, from the King's arbitrary Government ;—I say, if it had not been for this timely interference of the Prince of Orange, it seems by no means improbable, that the King might have

have succeeded in his endeavours to re-establish the Popish Religion in England, and to change the limited and Parliamentary Monarchy of England into an absolute Monarchy, upon the Model of that of France at that time, under Lewis the 14th, of which he was a great admirer. The Nation, however, escaped from this alarming Situation, by this noble effort of the Prince of Orange, and by the Prudence and Moderation of the Convention, or Parliament, which he assembled. And their Deliberations on this Occasion, for re-settling the Government, were fortunately much facilitated by King James's voluntary departure from England, after he had begun to treat with the Prince of Orange; which could not, with any shew of Reason, be ascribed to any apprehension of Danger to his Person, (which neither the Prince of Orange, nor the Parliament, had the least thoughts of molesting,) but seems manifestly to have arisen from a settled Resolution not to consent to such new Regulations, as would probably have been proposed to him, with a view to prevent his renewing his late Attempts against the Laws and Religion of his Country. To a Restoration to his Throne upon such Conditions, he seems to have been determined not to submit; and therefore he retreated into France, under the Protection of that Arbitrary and Persecuting Monarch, Lewis the 14th, by whose assistance he hoped to recover the Possession of his former Arbitrary Power, by the help of a French Army; and he, accordingly, afterwards, made an attempt of that kind in Ireland, by means of such an Army. His departure, however, from England, at this juncture, was a fortunate Circumstance for the Convention, or Parliament, which the Prince of Orange had assembled; as it gave them a fair Opportunity of considering

considering the Throne as *being vacant* by the Voluntary Abandonment of it by the King, which was a proof that he was not willing to Exercise the Office of King upon the Terms of his Coronation-Oath, and according to the Laws and Established Constitution of the Kingdom. Therefore, without having recourse to the delicate and controverted Doctrine of the Right of an Oppressed People, to dethrone, or depose, their Kings, or other Governours, for Mis-government; they, considering the Throne as Vacant, proceeded to repair that Imperfection, or Defect, in the Governing Powers of the State, by Electing the Prince and Princess of Orange to be King and Queen of England, in lieu of the King who had deserted them; and then proceeded without delay, to re-settle the whole Government of the Kingdom upon its old Foundations, with a very few Corrections or Alterations, which their Experience had shewn them to be Necessary.

This deliverance of the English nation, from the tyranny of King James the Second, and new Settlement of the Government, under King William and Queen Mary, is generally called *the Revolution*. But it might, perhaps, with more propriety, have been called *the Preservation*, or *Re-establishment* of the Government of England, as it had subsisted in the Reign of King Charles the Second, and particularly in the year 1680, when these Debates took place, and before that King had dismissed his last Parliament at Oxford, on the 28th of March, 1681; for, after that event, he governed, during the remaining four years of his Reign, with a sort of *Legal Tyranny*, or abuse of the Legal Powers with which the Constitution had invested him; employing his Court of King's-Bench, (as his father had employed the Court of Star-Chamber,)

ber,) to persecute his Subjects under the forms of Law; by taking-away the Charter of the City of London; and procuring the Surrenders of the Charters of several other Corporations that sent Members to Parliament, and thereby making the Elections of Members of Parliament less free and popular than before; and by over-severe Punishments, enormous Fines, and Verdicts for excessive damages, given in civil actions by corrupt Juries, packed by the Sheriffs for the purpose. But in the year 1680, before these odious proceedings took place, the Laws and Constitution of the Government of England were very little different from what they were afterwards in the years 1689 and 1690, or the first and second years of King William's reign. So wisely and moderately did King William and his first Parliament proceed in the settlement of the Nation, without introducing any new, or theoretical, improvements of the Government, or any changes in the powers of the several Judicatories and Orders in the State. The principal Law which the Parliament passed on this occasion, and to which they required the assent of the Prince and Princess of Orange before they elected them to be King and Queen of England, (in lieu of the King, who had quitted the Government, and retired to France,) is called *the Bill, or Declaration of Rights*; and contains only a recital of several of the illegal Acts done by King James, and the illegal Powers assumed by him, accompanied with a declaration of their illegality, together with a settlement of the Crown, after the Decease of the Prince and Princess of Orange, on the Heirs of the Body of the said Princess; and, in default of such heirs, on the Princess Anne, of Denmark, (the second daughter of King James,) and the Heirs of her Body; and, in default of

of such Heirs, on the Heirs of the Body of the Prince of Orange, or King William, by any future wife; and, lastly, a provision that none of the persons so appointed to succeed to the Crown, nor any other person whatsoever, should be capable of such Succession, if they either were themselves Papists, or were married to a Papist, "*it having been found by Experience, that it is inconsistent with the Safety and Welfare of this Protestant Kingdom, to be governed by a Popish Prince, or by any King or Queen, marrying a Papist.*" And, in general, the Maxims and Opinions sanctioned and confirmed by this Parliament on this great and solemn Occasion, were the same that had been professed and laid-down by the Leading Members of the House of Commons in the year 1680, who contended for the Exclusion of the Duke of York from the Succession to the Crown, and which are set-forth in the Debates that are here reprinted.

These Debates were first published in the year 1681, in a small duodecimo volume; and they were afterwards published a second time in octavo, with the addition of the Debates of the following short Parliament holden at Oxford, in the following month of March, 1680-81, which related chiefly to the same subject of excluding the Duke of York from the succession to the Crown.

This second edition of these Debates was published in the year 1716, or the second year of King George the First, while there was a Rebellion in the North of England, against that wise and worthy Monarch, in favour of the Popish Pretender to his Crown, the supposed Son of King James the Second. It does not appear who was the Publisher of this Second Edition of these Debates. But it is plain that he was an approver

prover of the Principles and Opinions maintained in these Debates, and a zealous Defender of the Entail of the Crown, which had been made by a second Act of Settlement near the end of King William's reign, on the Protestant family of the Dukes of Hanover, and that he published these Debates a second time in that critical season, with a view to support the right of King George to the Crown, (which was derived from that second Act of Settlement,) against the claim of the Pretender, by again presenting to the view of the Publick, the excellent arguments that had been used in favour of a similar Provision for the maintenance of the Protestant Religion, and the Rights and Liberties of the Subject, in that celebrated and courageous Parliament of 1680. And these sentiments he has expressed very fully in a spirited and instructive Introduction.

And now, in the year 1807, when a great number of persons of high rank and large fortunes, and even of distinguished abilities, and who particularly assume to themselves the name of *Whigs*, have so far departed from the sentiments of *Lord Russell*, and *Sir Henry Capel*, and *Sir William Jones*, and the other Whigs of the year 1680, as to look-upon Popery as a very inoffensive sort of Religion, from which no danger ought to be apprehended by Protestants, and to think that Members of the Church of Rome ought therefore, not only to be freely tolerated in the exercise of their Religion, however idolatrous, (which toleration very few Protestants, at this day, are inclined to refuse them), but also to be admitted, equally with Protestants, to all sorts of Offices of Power in the State, both Civil and Military, so that the Judges of the King's Courts of Law in Westminster-hall, and the Lords Chancellors of England and Ireland might be Papists, and even that

that an Army of Irish Papists, commanded by a Popish General, (which was the Instrument with which King James the Second endeavoured to over-turn the whole Constitution of England both in Church and State,) should be no longer contrary to law;—it seems highly expedient that these excellent Debates should be again brought-forward to the View of the Publick; to the end that the Members of both Houses of Parliament may well consider them, before they give their assent to a measure that is so contrary to the Principles on which the Revolution in the Year 1688, and the Declaration of Rights then solemnly proclaimed by Parliament, and the Act of Settlement then made in favour of the Prince and Princess of Orange, and the second Act of Settlement of the Crown (made about ten years after,) on the Princess Sophia, Dutchess dowager of Hanover, and the Heirs of her Body, (by virtue of which Act our present Sovereign sits upon the Throne) were, all, founded,—and before they, in consequence of such assent, solicit his Majesty, (notwithstanding his known disinclination to the Measure,) to give his Royal Assent to an Act, that seems, at least, to have a strong tendency to undermine and weaken his Majesty's Title to the Crown. And it is to answer this useful purpose, that these Debates are here again re-printed from the said Second Edition of them, in the year 1716, together with the Introduction of the Publisher of that Edition.

THE INTRODUCTION TO THE SECOND EDITION OF
THE SAID DEBATES IN THE YEAR 1716.

So wide has the Deviation of the present Age been from the glorious Paths of their Ancestors;—so violent a Propension has appeared in too many, who have made an open Profession of the Protestant Religion, towards reviving the abject and exploded Doctrine of implicit Obedience, and falling-back into the rankest Superstition and Idolatry; that *Popery* has broke-in like a Torrent, and all that we have been able to do, for some Years past, has been just to carry-on a defensive War against it, whilst the Balance at present is but barely inclining to the Protestant Side. Such has been the powerful Magick of the *Roman* Emissaries; so strong has the Operation of their Poyson been upon the Senses of this poor, deluded, Nation, that we have been driving-on an open Commerce with *Rome*, bartering our Ease and Plenty for Want and Barrenness, and the very Dregs of human Oppression; our Birth-rights, for the imperious Dictates of lawless Tyrants; and the mildest Laws in the Universe, for the most insupportable Slavery, (which is *Spiritual*,) without giving ourselves Time to cast-up the Account, and examine what Losses we were likely to sustain by so unequal an Exchange.

That *Rome*, and her officious Agents, have been incessantly at Work for our Destruction, is no Wonder, when we consider ourselves as the nation that enjoys the boasted Remains of Liberty, and pure Religion,
throughout

throughout *Europe*, and as forming the main Bulwark against arbitrary Encroachments. But that we, who profess an abhorrence of those Principles, should give an helping Hand to our Ruin, and be in the Plot against our own Faith, our Property, and Lives, seems as difficult to reconcile as the Doctrine of *Transubstantiation*. Yet, to our eternal Dishonour, such there are at present amongst us, who have advanced half-Way to meet them; nay, to show their Sincerity, and cut-off all manner of Ceremony, have gone-over to them.

This Delusion, which has been so universally spread through all Ranks and Complexions, calls loudly at this Juncture for the Publication of the following Sheets: It had been a Crime scarce expiable, not to have rescued them from Oblivion, and give them a fresh Reading; especially at a Time, when a Set of profligate Wretches, who have the Impudence to call themselves *Protestants*, are in strict Combination with the sworn Enemies of our Religion, to place a *Popish Impostor* on the Throne of King *GEORGE*, to make this Free-born Nation a Land of Bondage, and our Fertile Plains a Scene of Blood and Confusion.

Apprehensions of the like Danger from a *Popish* Successor, inspired our great Forefathers with lively Sentiments of the Kingdom's Danger, and with Resolutions becoming that great Trust reposed in them by their Principals. They saw a *Popish Plot* carried-on against our Liberties and Religion, under the Administration of a Protestant Prince; though not justified by open Arms, or prosecuted in that audacious Manner it is at present. They found there were too many of the same Stamp with the Rebels of this Day, *affectedly Protestants*, who strove industriously to smother it, and underhand abetted the Treason. The Day at that melan-

choly Season, was favourable to *Roman Monsters*; they had their Partizans in the *Senate-House*; the *Cabinet*, and the *Pulpit*; and too many upon a certain Bench, who ought to have been the most vigorous Assertors of the Reformation, lay as a dead Weight upon the House. The Opposition those worthy Patriots met-with, no Ways impaired their Spirit; they broke through all Discouragement, and went to the Root of the Grievance.

The sole Expedient for preventing all future Calamities, was the Exclusion of the *Duke of York*; a Bill which had a *predictive* Spirit in it; a Bill not Spirited-up by Revenge, or Partiality to a certain Family, as was odiously insinuated, to divide the wicked cause from the Person; but from the fatal and necessary Consequences which must attend a *Popish* Administration; a Bill which, if it had passed, would have saved this insatuated Kingdom an *Hundred and Thirty Millions*, and extinguished even our remotest Fears of *Popery*.

But the Genius of *France*, and her devoted Pensioners got the better of *Britain's* faithful Sons—From the Difficulties our wise Ancestors saw there was in carrying a Point of that Importance under a Protestant Prince, it was natural to conclude, how great the Struggle must be, even to make a Stand, under a *Popish* one. Their Penetration went deeper; they knew, that Will and Pleasure was to succeed in the room of Laws and inviolable Statutes; and that Freedom, Property, and Religion, must bend to the *Roman Yoke*, if once a *Papist* came to be the Director. Those who opposed the Bill, could not deny the sawcy Advances of *Popery*, and seemed hearty in coming into any Expedient, but that of the Exclusion. But their Schemes were so fantastick, that it was obvious to the dimmest Sight,

Sight, they were rather preferred with a view to amuse and perplex than to give any Assurance to the honest Patriots, that their Fears were not well-grounded, or that any Medium could be found-out between the Bill of Exclusion and their own Security. On this Occasion, I cannot help making two Remarks, which flow-in naturally, and may serve as a Glass to shew the Complexion of those Times, with that of the *Breviat* Protestants of ours.

It was objected, That if the Bill of Exclusion should pass into a Law, there would be found Men at Hand ready to oppose that Parliamentary Sanction, in Defence of the Lineal Descent, tho' the frequent Usage of the Nation had justified it, and an express Statute now in Force, made in the 13th of Queen *Elizabeth*, which makes it High-Treason to make a Question, *Whether an Act of Parliament cannot bind the Right of the Crown, the Descent, Limitation, Inheritance, or Government thereof.* This Objection, I think, sufficiently explains the Principles of our half-faced Protestants at this Day, and pretty well accounts for the late Tumults, and present Rebellion of the Faction, and must convince us, that there is not one of that Stamp in King *GEORGE's* Interest, but staunch at this Hour for what they ridiculously call *Hereditary Right*.

The other Objection was: What if the *Duke of York* should have a Son? This, they thought, would invalidate the Entail upon his Daughters. By this Clue, I think, we are led into the Secret of an After-story, and the Apprehension those *Popish* Instruments had of a Protestant Successor; so that one would be tempted to think there were some other People, besides Catholics, deep in the secret of vamping-up an

Impostor; and that a Son was to have been procured at any Rate, though Ten of them had died successively in the Month. But to draw-off from so obvious a Reflection: In these Debates you have the collected Sense of the Nation, warmly urged by the Electors to their Representatives throughout the Kingdom, who were sensible no Cords could bind a *Papist*, but those of Death, or Banishment. In these Sheets, you have a lively Pourtrait of a true *English* Protestant Spirit. Here those who have been so unhappy as to degenerate from the bright Examples of their Ancestors, may learn to amend, or turn pale to see the Ashes of their Sires animated, speaking to them, as it were from the Grave, and calling the Prodigals to return to the Bosom of their Country's Interest. In these Speeches you read a disinterested Zeal, triumphing over Sophistry, and false Reasoning; a Set of Patriots embodied against mercenary Tongues, Creatures of an arbitrary and debauched Court, and Stipendiaries of *France* and *Rome*. For this glorious Cause the great Lord *Russell* fell, pursued by execrable Villains, and unfated Malice; a Drop of whose Blood was more valuable than the whole Race of Tyrants, from the Expulsion of *Tarquin*, to the LAST ABDICATION.

But in recording the Glories of 1680, we must not forget what we owe to the present Parliament of 1715. The Curse which those Patriots would have prevented, has been growing upon the Nation for 35 Years, excepting the Check it received in the immortal *WILLIAM's* Reign, and the First Seven Years of *Queen ANN's*; and has, by frequent Indulgences, arrived to that Height, as to dispute the Superiority with us; the Extinction of this pestilent Spirit is left upon the Hands of the present Senate. To clear the Rubbish,
which

which had been gathering for so many Years, was next to an *Herculean* Labour; but to crush the Monster, would have been next to an Impossibility, under a less auspicious Influence than that of King GEORGE. The *Papists*, and their bloody Adherents, found the Period of their laboured Attempts against the Constitution drawing-on, when the Nation spoke its free Sense in this Parliament; and they are now making the last Discharge of their Malice, in Rebellion and Despair.

Let obstinate and unthinking Wretches charge that glorious Parliament, with antimonarchical and heterodox Principles; but they need be at no more Pains than scanning the Names, and they will find those Patriots were so far from being suspected of proneness to Levelling, that some of them before that Time were esteemed to be even of a high, sanguine, Complexion. The same impudent Charge may, it's possible, be objected to the present illustrious Body, by those who know not that several Acts have passed which make it impossible for any, but a Protestant Church of *England* Member, to sit within those venerable Walls.

If the Parliament of 1680 could boast of their RUSSELS, their CAVENDISHES, their CAPELS, their BOOTHES, their WINNINGTONS, and JONESES, a long Train of Heroes; The Champions of 1713 must not yield to them in Firmness, or Love to their Country: The Constancy of a *Regulus*, the Piety of a *Codrus*, and the Wisdom of a *Lycurgus*, are at this Time to be found in a WALPOLE; the unbiaſſed Patriot, and the polite Gentleman, shine forth in a FINCH, who is at present The Ornament of the Lower-House, and the growing Hopes of the Upper. In a STANHOPE, we read an Ardor for Liberty, and

the publick Good; the LETCHMERES, and the COWPERS, have a thousand Witnesses to their prevailing Eloquence in their Country's Cause, and their triumphs over the Enemies of the Constitution. Thus guarded, Popery and Arbitrary Power must resign the Day.

But here a Question naturally advances upon us, Why *Popery*, (which was in good Earnest abolished by *Edward the VIth*, of pious Memory; and in the natural Tendency of that Reformation under so many Protestant Princes, his Successors, should, by this Time, have dwindled into the last Degree of Contempt,) has been gaining Ground upon us ever since his Death under various Shapes and Disguises, till at last it has got Strength enough to bid us Defiance. This has been a perplexing Question to the Generality, and the Cause could not have been made so obvious to several well-meaning Protestants, till a Set of People, joining in the present Rebellion, and who walked-about under Disguises for many Years, have at length gratified the World, in throwing-off the Masque, and telling us plainly what they have been aiming-at, in Conjunction with our implacable Enemies, the *Papists*.

It is not to be imagined, that *Popery* could have subsisted in these Realms thus long, much less have found so secure a Refuge from the Pursuit of the Law, after such flagrant Violations of all Things Sacred, Moral, and Humane, if there had not been some secret Springs working behind the Curtain in her Favour; and Confederates of a more popular Stamp, had not been copying Draughts from the *Roman* Emissaries, to make her Villanies appear more specious to the World. These Plagues of Families, of Kingdoms, and Mankind, I say, had, e're this Time, been rooted out of the Land, had

had not some Advocates in Power, and who seemed the very Reverse of them in Principle, kept the Hand of Justice in a Sling, and blunted the Antipathy of *Protestants* against them.

The *Papists*, considered as a distinct Body, and unassisted, could never have grown-up to any formidable Height: Had there not been an Union of Interest and Affection between them, and a powerful Body acting under legal Capacities, they would have been reputed of no more Weight, than so many wandering *Jews*, or scattered Gentiles, amongst us: But Impunity and Connivance, accompanied with a Fondness they observed in some false Brethren of the Protestant Church of *England*, toward a Relapse into blind Superstition, and slavish principles, soon encouraged them to put in their Claim, and think themselves interested in promoting those Schemes which made such near Approaches to genuine *Popery*.

By what Engines we were driven, and hastening to our Ruin, was long foreseen in the early Days of the Reformation, and guarded-against to the utmost, by the greatest Patriots, and the most faithful Sons of the Protestant Church. But such was the Infatuation of many, from mistaken and too pompous Notions of Regal and Ecclesiastical Power: such the aspiring Temper of others, who knew better, but would bear no Controul, or even admit the Laity to a Share in the ruling Part; that we have, more than an Age, been waging a Protestant War amongst ourselves, whilst that Monster, *Popery*, has fattened upon our Dissensions; and, by this unnatural Contest, paved the Way almost to an Establishment.

From whence these tender Sentiments in professed Churchmen, toward such impious Principles; from

whence that constant and most favourable Regard to such inhuman Creatures, sprung ;—must be the Subject of a short Enquiry, that we may open a Way to the Sources of our past Misfortunes, that we see both the *rampant* and *couchant* Popery : and we shall find at the Up-shot, that the latter has been the most dangerous Enemy ; that the less-suspicious *Seconds* have done all the filthy Work, for their Principals the *Papists*, under the plausible Names of a *rigorous Uniformity to Ceremonial Rites*, and *absolute, passive, Submission* to the Prerogative, whilst the more formidable Names of *Popery* and *Slavery* were kept behind the Scenes, till a suitable Occasion presented, of joining-together in the last Act of our Miseries, and making-up the sad Catastrophe in Concert.

To have a full View of this Growth of *Popery*, we must observe, that the Reformation was but tenderly begun, accompanied with the Dissolution of Abbies, Monasteries, and many other such Nests of *Laziness* and *Vermin*, and Creatures unprofitable to the Commonwealth. This was hardly digested by the sawcy and high-fed Priests of that Time : but falling under the Iron hand and inexorable Temper of *Henry VIII.* and running themselves likewise into a *Premunire*, by disputing his Supremacy, they were compelled to purchase their Peace at any rate, and tamely submit to his Temporal Alienations.

This Breach upon their unjust Acquisitions stomach-ed them to the last degree. But finding under *Edward VI.* that there was not only a further Retrenchment of their pious Frauds, but likewise other *Spiritual Excrescencies* par'd-off, they began to be thoroughly alarm'd ; and, though many complied with the reform'd Religion in Show, yet they could not quit their tender
 Regard

Regard for the unrighteous Mammon, which they lay every Day applied to more laudable Purposes.

To pass over the Reign of Blood-thirsty *Mary*, when they expected a full Restitution of Church-lands; finding that Queen *Elizabeth* went-on polling the Bishopricks, and giving away several fat Manors to her useful Subjects of the Laity; they unanimously cast-about how to stop the Current of those Alienations; and, roaring-out Sacrilege and the Church-Robberies of her Ministry, began to perswade her that there was a Design of ruining the Church by some ill-designing Men, and Enemies to Religion; and branded those who were more intent upon the Reformation than worldly Gain, with the Title of *Puritans*; which at that Time was made to signify Schismatics in Religion, and Rebels to the State. This Cry, assisted by Archbishop *Whitgift*, affecting the Queen, diverted her from laying her Hands upon any more Church-Revenues, and turned her Fury upon the Puritans.

Great Numbers of the reformed Clergy at that Juncture were no better than Papists in Disguise, and finding a Gap open for Persecution, they followed the Swing of their Revenge and Ambitious Tempers; and, because they could not return to their beloved Popery, in bar to the Laws and Statutes then in force, they were resolved, under the Notion of Uniformity, to obstruct any further Reformation, and plague those who attempted it.

The Bent of their Inclination still led them to Popery; and they were just upon the Point of rolling-back into Idolatry and Pagan Usurpations at the close of Queen *Elizabeth's* Reign; if the Powder-plot, in the beginning of King *James's*, had not overthrown their Scheme, and made all Overtures of that kind so detestable, that they

they durst not try the Experiment without exposing themselves to the Nation's Resentments.

This Project failing, the Popishly-affected Clergy, which were of the same Stamp with those who pass under the Name of High-Church at this Day, were forced to throw themselves upon the Crown, though much against their Will. But to shew there was a sort of Co-ordination of Power between the Prince and the Clergy, they began to insinuate a certain Phrase of Speech, and make it a Proverbial Saying, *No Bishop, No King*; putting the Church foremost, to make themselves appear absolutely necessary; and pressed their respective Claims with a sort of Regal Authority, whenever any should attempt to dispute them. King *James* was fond of the Notion; and the too credulous *Charles* was entirely taken into the Secret, till the Name of the Popish Usurpations and *English* Church-government began to sound very agreeably, and the Breach was widening between the Clergy, who were above the Law of the Land, and the painful Ministers, who were under the Law; till at last that Incendiary, *Laud*, made a distinction in his Roll of Promotions, between those marked with the letter O, and P: The former signifying Orthodox, *videlicet*, Popishly-affected; The other, Puritans, or Protestant Church-of-England Men. Let none cavil at these Animadversions, when the great Lord *Falkland*, one of the brightest Ornaments of the Reformation, and who dy'd for the Royal Cause at the Battle of *Newbery*, charges worse Crimes on the Popish Church-of-England Clergy of that Day, in the Parliament of Forty-one.

Lord Falkland's Description of the English Clergy in the year 1641.

“These Men, says he, have been the Destruction of Unity, under pretence of Uniformity; and have brought-in Superstition and Scandal, under the Titles of Reverence, and

and Decency ; slackening that Union between us and those of the same Religion beyond the Seas ; an Action as Impolitic as ungodly : These Men, continues he, have been less eager against those who, damn our Church, viz. the Papists, than those who, from a weak Conscience, have abstained from it.

After having descanted largely upon the Ignorance and Profaneness of the Clergy ; the tying-up the Puritans from preaching such and such Tenets, and letting loose the *Roman* Crew ; he observes that the usual Topicks which the Popish Church-of-*England* Clergy preach'd-on were the divine Right of Bishops and Tythes, and inviolable Devotion to the Clergy ; the Sacrilege of Impropriations ; the demolishing of Puritanism and Propriety ; the building of the Prerogative at *St. Paul's*.

So that it seems they were trying how much of the Papist might be brought-in without Popery ; and destroying as much as they could of the Gospel, without bringing themselves into Danger of being destroyed by the Law.

Some have evidently laboured to bring-in an *English*, though not a *Roman*, Popery ; I mean, not only the outside and dress of it, but equally Absolute : A blind Dependance of the People upon the Clergy, and of the Clergy upon themselves ; and have opposed the Papacy beyond the Sea, that they might settle a Pope on this side of the Water.

In the close, he talks of their Encroachments upon the Civil Power, exempting the Clergy from the Jurisdiction of the Civil Magistrate ; hindering Prohibitions ; making a Conquest of the common Law of the Land ; disposing of all Preferments ; and blowing both Nations into a Flame."

Was there ever so lively a Picture of the enormous Insolence

Insolence of the Popishly-affected Clergy in the last Five Years of Queen *Anne*: Not one Word of the Gospel simplicity; Charity, Forbearance, or the least incentive to Faith or good Works, but all selfish Topicks. The Dignity and Honour of the Priesthood; Restitution of Church-Lands; Damnation to Dissenters; the moral Sin of Schism, of their own making; Passive Obedience, to make us resign without a Blow to Popish Cut-throats; Hereditary and Indefeasible Right, with other such Terms of Conjuraton, to open a way for the Pretender.

The Expediency and Justice of putting all Lay-Preferrments and Offices of State into the Clergy's Hands, with many more preposterous Doctrines; which they, with a true, appropriated, Impudence and Ignorance, vented to their equally stupid Congregations.

The Popish Clergy of our Church, and the *Roman* Clergy in *Charles II.* Days, had, in a manner, shaken Hands; They kept narrowing the Pale of their Communion by rigorous Exactions; and, being complimented with the Privilege of Persecution, they, in return, made-over to the Crown, as much as in them lay, an absolute Passive Obedience from the Laity, which was a very *impudent Deed of Gift*, without their Consents. This Doctrine was minted to pave the Way to Popery in the next Reign; and would have effectually done it, had not that weak Prince disoblighd those Executioners, and attempted their Freeholds: Then indeed, from a Pique, they joined the Protestant Church-of-*England* Clergy and her Faithful Sons, to free us from the impending Destruction.

There was a small Intermiſſion till that ignorant Tool *Sacheverell's* trayterous Libel was bellow'd from *St. Paul's*, when Popery blaz'd-out afresh; as appear'd from the Positions of some of their furious Pulpiters:

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1st, Asserting the independency of the Church. 2^{dly}, Their Power of Excommunication, as binding as that of the *Roman* Church. 3^{dly}, Auricular Confession made necessary to Salvation, *Vide Br--tt's* Sermon. 4^{thly}, Absolution determined in as positive a manner as that of *Rome*. 5^{thly}, A very tender and loose Distinction between the Real and Corporal Presence in the Sacrament. 6^{thly}, Judging of Scrupulous Consciences by Tests of Malice and *Roman* Revenge. 7^{thly}, Rebelling, when out of Place and Power. 8^{thly}, Dispensing with Oaths, or taking them in what Sense they please; with many more of such Principles, which are either entirely Popish, or have a direct Tendency that way.

This Game have the Popishly-affected Clergy been driving-on for a Century and upwards; perhaps not all with an intent to throw themselves into the Bosom of the *Roman* Communion, but to make themselves as Absolute, by lodging in the Suburbs of it; whereas the cunning Sophisters of the *Roman* Church, who had the Management of this part, laugh'd at the fantastick Schemes of our Church-Politicians; who proposed to go such determinate Lengths towards *Rome*, and not actually go-in to her; knowing that a Church of *England* Absolute, and above the Law, is a Monster, and not to be tolerated by Protestants; and that she must either submit to the Establishment, or call-in Popery and Arbitrary Power in the End, to support her.

This we have lived to see accomplished at this Hour; and blush to find Numbers openly professing the Protestant Faith, listing under the Banners of Popery, to perfect the Reformation. But this was the natural Tendency of such impious Doctrines, and an Ambition for Power, warranted neither by the Gospel, nor the Laws of the Land.

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Land. Upon these Principles, the Treason, the Perjury, and Rebellion of the High Church and their Pupils, at this Time, gives no Manner of Surprise to the thinking part of Mankind. But the Conduct of the profess'd Papists is somewhat extraordinary. One would think that this Cast of Men should have been very wary in engaging in so desperate an Exploit. The many execrable Attempts made, not only upon the Constitution, but likewise upon the Persons of our Princes, have long since blotted them out of the Roll of Protection, and call'd loudly for Vengeance. The *Smithfield Fires* of the bloody *Mary*; the repeated Plots against Queen *Elizabeth*; the *Spanish Invasion*; the Powder-Conspiracy; the suspicious Exit of *James I.* by Plaster and Potions*; the matchless Ingratitude of the Popish Crew, in the Murder of *Charles II.* who screen'd them from Justice at the Expence of his Honour, and his People's Love;—should, in the natural Course of Revenge, have been repaid with a total Extirpation of their Persons or Principles; and how at present they can hope to escape the Indignation of a Protestant Parliament, is left to them to consider.

It has been talk'd with Assurance, that there are many Constitution Papists in this Kingdom, who had rather live with some Restrictions under our gentle

* From the evidence on this subject that is distinctly stated in Ralph's History of England, it seems highly probable that King Charles the Second was poisoned by some Romish Priests, to prevent the execution of a design he had formed to recall the Duke of Monmouth and receive him again into favour. This design the King had communicated to his favourite mistress, the Dutchess of Portsmouth, and she had revealed it to her Popish Confessor, as the Dutchess declared about ten years after in the reign of King William the Third.

Laws, than settle in a foreign Country, even with a free Enjoyment of their Religion. But let such credulous Wretches know, that it is as impossible for a Papist to be disinterested in the Affair of Religion, or cool in the Advancement of what they Blasphemously call the Holy Cause, as for a Miser to be easy in the sight of Gold, without coveting it, or a Glutton to be contented with a slender Meal, when a Feast is in view.

I shall conclude with one Instance of their Holy Rage, to show the Sentiments of that inhuman Race; and that is the *Motto*, which, Tradition tells us, was impressed on the Catholick Banners, in order to be displayed, if the accursed Powder-plot had been duly executed by those Devils Incarnate.

The Motto, or rather Curse, runs thus :

In Nomine Divæ Mariæ !

Corruat Ecclesia Anglicæ Schismatica !

Pereat, non sine Pontificis

Opt. Max. Numine, Jacobus,

Fidei subversor, unâ cum Stirpe Regiâ !

Deleatur Senatus !

Cujuscunque Ordinis Hæretici Exterminentur !

Restauretur denique per Cædes, per strages, per

Ruinas, Romana Fides, verè Apostolica !

In plain English thus :

Let the *Schismatical*, (*viz.* the Protestant) Church of *England*, become an Heap of Ruins !

Let *James*, the Subverter of the Faith, together with his Royal Issue, be destroyed by the holy Influence and Approbation of the *Pope* !

Let the very Name of Parliaments be blotted-out !

Let

Laws,

Let Hereticks of all degrees be exterminated!
And the truly Apostolical Rómiss Religion at 'ength be
restored by Blood, by Ruin, and by Devastation !

This gives us so painful an Image of the brutal Cru-
elty of the Papists, that a warm Imagination cannot
well be trusted with proper Animadversions upon it:
The naked expressions carry so much Horror along
with them, that they want no Colours to enliven them.

*End of the Introduction to the Second Edition of the
Debates on the Exclusion-Bill, published in the
Year 1716.*

AN ACCOUNT OF THE SENTIMENTS OF THE PRINCE AND PRINCESS OF ORANGE, CONCERNING THE REPEAL OF THE TEST-ACT IN ENGLAND, BY WHICH PAPISTS WERE EXCLUDED FROM HOLDING CIVIL AND MILITARY EMPLOYMENTS; TO WHICH REPEAL THEY WERE SOLICITED BY KING JAMES II. IN THE YEAR 1687, TO GIVE THEIR CONSENT.

Extracted from Bishop Burnet's History of his Own Times, Vol. II. from Page 432 to 453.

THE King was every day saying, "that he was King, and he would be obeyed, and would make those who opposed him feel that he was their King:" And he had both Priests and flatterers about him, that were still pushing him forward. All men grew melancholy with this sad prospect. The hope of the true Protestants was in the King's two daughters; chiefly on the eldest, who was out of his reach, and was known to be well-instructed, and very zealous in matters of religion. The Princess Anne was still very steadfast and regular in her devotions, and was very exemplary in the course of her life. But, as care had been taken to put very ordinary Divines about her for her Chaplains, so she had never pursued any study in those points with much application. And, all her Court being put about her by the King and Queen, she was beset with spies. It was therefore much apprehended, that she would be strongly assaulted, when all other designs would so far succeed as to make that seasonable. In the mean while

The King
wrote to the
Princess of
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she was let-alone by the King, who was indeed a very kind and indulgent Father to her. Now he resolved to make his first attack on the Princess of Orange. D'Albeville went-over to England in the summer, and did not come-back before the twenty-fourth of December, Christmas Eve. And then he gave the Princess a letter from the King, bearing date the fourth of November. He was to carry this letter: And his dispatches being put-off longer than was intended, that made this letter come so late to her.

The King took the rise of his letter from a question she had put to D'Albeville, desiring to know what were the grounds upon which the King himself had changed his religion. The King told her, he was bred-up in the doctrine of the Church of England by Dr. Stewart, whom the King, his father, had put about him; in which he was so zealous, that, when he perceived the Queen, his Mother, had a design upon the Duke of Gloucester, tho' he preserved still the respect that he owed her, yet he took care to prevent it. All the while that he was beyond sea, no Catholick, but one Nun, had ever spoken one word to persuade him to change his religion: And he continued for the most part of that time firm to the doctrine of the Church of England. He did not then mind those matters much: And, as all young people are apt to do, he thought it a point of honour not to change his religion. The first thing that raised scruples in him was, the great devotion that he had observed among Catholicks: He saw they had great helps for it: They had their Churches better adorned, and did greater acts of charity, than he had ever seen among Protestants. He also observed, that many of them changed their course of life, and became good Christians, even tho' they continued to live still
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in the world. This made him first begin to examine both religions. He could see nothing in the three reigns in which religion was changed in England, to incline him to believe that they who did it were sent of God. He read the history of that time, as it was writ in the Chronicle. He read both Dr. Heylin, and Hooker's preface to his Ecclesiastical Policy, which confirmed him in the same opinion. He saw clearly, that Christ had left an infallibility in his Church, against which "the gates of Hell cannot prevail." And it appeared that this was lodged with St. Peter from our Saviour's words to him, St. Mat. xvi. ver. 18. Upon this the certainty of the Scriptures, and even of Christianity itself, was founded. The Apostles acknowledged this to be in St. Peter, Act xv. when they said, "It seemed good to the Holy Ghost and to us." It was the Authority of the Church that declared the Scriptures to be Canonical: And certainly they who declared them could only interpret them: And whereever this infallibility was, there must be a clear succession. The point of the infallibility being once settled, all other controversies must needs fall. Now the Roman Church was the only Church that either has infallibility, or that pretended to it. And they who threw-off this authority did but open a door to Atheism and Infidelity, and took people off from true devotion, and set even Christianity itself loose to all that would question it, and to Socinians and Latitudinarians who doubted of every thing. He had discoursed of these things with some Divines of the Church of England; but had received no satisfaction from them. The Christian Religion gained its credit by the miracles which the Apostles wrought, and by the holy lives and sufferings of the Martyrs, whose blood was the seed of the Church.

Church. Whereas Luther and Calvin, and those who had set-up the Church of England, had their heads fuller of temporal matters than of spiritual, and had let the world loose to great disorder. Submission was necessary to the peace of the Church. And, when every man will expound the Scriptures, this makes way to all sects, who pretended to build upon it. It was also plain, that the Church of England did not pretend to infallibility: Yet she acted as if she did: For ever since the Reformation she had persecuted those who differed from her, Dissenters as well as Papists, more than was generally known. And he could not see why Dissenters might not separate from the Church of England, as well as she had done from the Church of Rome. Nor could the Church of England separate herself from the Catholick Church, any more than a County of England could separate it self from the rest of the Kingdom. This, he said, was all that his leisure allowed him to write. But he thought that these things, together with the King his brother's papers, and the Dutche's papers, might serve, if not to justify the Catholick Religion to an unbiassed judgement, yet at least to create a favourable opinion of it.

I read this letter in the original: For the Prince sent it to me together with the Princess's answer, but with a charge not to take a copy of either, but to read them over as often as I pleased; which I did till I had fixed both pretty well in my memory. And, as soon as I had sent them back, I sat-down immediately to write-out all that I remembered; which the Princess owned to me afterwards, when she read the abstracts I made, were punctual almost to a tittle. It was easy for me to believe that this letter was all of the King's enditing; for I had heard it almost in the very same words from his
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own mouth. The letter was writ very decently, and concluded very modestly. The Princess received this letter, as was told me, on the twenty-fourth of December at night. Next day, being Christmas day, she received the Sacrament, and was during the greatest part of the day in publick devotions: Yet she found time to draw, first, an answer, and then to write it out fair: And she sent it by the post on the twenty-sixth of December. Her draught, which the Prince sent me, was very little blotted or altered. It was long, about two sheets of paper: For, as an answer runs generally out into more length than the paper that is to be answered, so the strains of respect, with which her letter was full, drew it out to a greater length.

She began with answering another letter that she had received by the post; in which the King had made an excuse for failing to write the former post-day. She was very sensible of the happiness of hearing so constantly from him: For no difference in religion could hinder her from desiring both his blessing and his prayers, tho' she was ever so far from him. As for the paper that M. Albeville delivered her, he told her, that his Majesty would not be offended, if she wrote her thoughts freely to him upon it. Which she answered.

She hoped, he would not look-on that as want of respect in her. She was far from sticking to the religion in which she was bred out of a point of honour: for she had taken much pains to be settled in it upon better grounds. Those of the Church of England who had instructed her, had freely laid before her that which was good in the Romish Religion, that so, seeing the good and the bad of both, she might judge impartially; according to the Apostle's rule of "proving all things, and holding fast that which was good." Tho' she had

come young out of England, yet she had not left behind her either the desire of being well informed, or the means for it. She had furnished herself with books, and had those about her who might clear any doubts to her. She saw clearly in the Scriptures, that she must work her own salvation with fear and trembling, and that she must not believe in the faith of another, but according as things appeared to herself. It ought to be no prejudice against the Reformation, if many of those who professed it led ill lives. If any of them lived ill, none of the principles of their religion allowed them in it. Many of them led good lives, and more might do it by the grace of God. But there were many devotions in the Church of Rome, on which the Reformed could set no value.

She acknowledged, that, if there was an infallibility in the Church, all other controversies must fall to the ground. But she could never yet be informed where that infallibility was lodged: Whether in the Pope alone, or in a General Council, or in both. And she desired to know in whom the Infallibility rested, when there were two or three Popes at a time, acting one against another, with the assistance of Councils, which they called General: And at least the succession was then much disordered. As for the authority that is pretended to have been given to St. Peter over the rest, that place which was chiefly alledged for it was otherwise interpreted by those of the Church of England, as importing only the confirmation of him in the office of an Apostle, when in answer to that question, "Simon, son of Jonas, lovest thou me," he had by a triple confession washed-off his triple denial. The words that the King had cited were spoken to the other Apostles as well as to him. It was agreed by all, that the
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Apostles were infallible, who were guided by God's holy Spirit. But that gift, as well as many others, had ceased long ago. Yet in that St. Peter had no authority over the other Apostles: Otherwise St. Paul understood our Saviour's words ill, who "withstood him to his face, because he was to be blamed." And if St. Peter himself could not maintain that authority, she could not see how it could be given to his successors, whose bad lives agreed ill with his doctrine.

Nor did she see, why the ill use that some made of the Scriptures ought to deprive others of them. It is true, all sects made use of them, and find somewhat in them that they draw-in to support their opinions: Yet for all this our Saviour said to the Jews, "search the Scriptures;" and St. Paul ordered his Epistles to be read to all the Saints in the Churches; and he says in one place, "I write as to wise men; judge what I say." And, if they might judge an Apostle, much more any other teacher. Under the law of Moses, the Old Testament was to be read, not only in the hearing of the Scribes and the Doctors of the law; but likewise in the hearing of the women and children. And, since God had made us reasonable creatures, it seemed necessary to employ our reason chiefly in the matters of the greatest concern. Tho' faith was above our reason, yet it proposed nothing to us that was contradictory to it. Every one ought to satisfy himself in these things: As our Saviour convinced Thomas, by making him to thrust his own hand into the print of the nails, not leaving him to the testimony of the other Apostles, who were already convinced. She was confident, that, if the King would hear many of his own subjects, they would fully satisfy him as to all those prejudices, that he had against the Reformation; in which nothing was acted tumultuously, but all was done

according to law. The design of it was only, to separate from the Roman Church, in so far as it had separated from the primitive Church: In which they had brought things to as great a degree of perfection, as those corrupt ages were capable of. She did not see how the Church of England could be blamed for the persecution of the Dissenters: For the laws made against them were made by the State, and not by the Church: And they were made for crimes against the State. Their enemies had taken great care to foment the division, in which they had been but too successful. But, if he would reflect on the grounds upon which the Church of England had separated from the Church of Rome, he would find them to be of a very different nature from those, for which the Dissenters had left it.

Thus, she concluded, she gave him the trouble of a long account of the grounds upon which she was persuaded of the truth of her religion: In which she was so fully satisfied, that she trusted, by the Grace of God, that she should spend the rest of her days in it: And she was so well assured of the truth of our Saviour's words, that she was confident the gates of hell should not prevail against it, but that he would be with it to the end of the world. All ended thus, that the religion which she professed taught her her duty to him, so that she should ever be his most obedient daughter and servant.

To this the next return of the post brought an answer from the King, which I saw not. But the account that was sent me of it was: The King took notice of the great progress he saw the Princess had made in her enquiries after those matters: The King's business did not allow him the time that was necessary to enter into the detail of her letter: He desired, she would read those books that he had mentioned to her in his
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former letrers, and some others that he intended to send her: And, if she desired to be more fully satisfied, he proposed to her to discourse about them with F. Morgan, an English Jesuit then at the Hague.

I have set down very minutely every particular that was in those letters, and very near in the same words. Reflections
on these
letters,

It must be confessed, that persons of this Quality seldom enter into such a discussion. The King's letter contained a studied account of the change of his religion, which he had repeated often: And it was, perhaps, prepared for him by some others. There were some things in it, which, if he had made a little more reflection on them, it may be supposed he would not have mentioned. The course of his own life was not so strict, as to make it likely that the good lives of some Papists had made such impressions upon him. The easy absolutions that are granted in that Church are a much juster prejudice in this respect against it, than the good lives of a few can be supposed to be an argument for it. The adorning their Churches, was a reflection that did no great honour to him that made it. The severities used by the Church of England, against the Dissenters, were urged with a very ill grace by one of the Church of Rome, that has delighted herself so often by being, as it were, bathed with the blood of those they call hereticks: And, if it had not been for the respect that a daughter paid her father, here greater advantages might have been taken. I had a high opinion of the Princess's good understanding, and of her knowledge in those matters, before I saw this letter: But this surprized me: It gave me an astonishing joy, to see so young a person, all on the sudden, without consulting any one person, to be able to write so solid and learned a letter, in which she mixed with the
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respect that she paid a father so great a firmness, that by it she cut-off all further treaty. And her repulging the attack, that the King made upon her, with so much resolution and force, did let the Popish party see, that she understood her religion as well as she loved it.

A prosecution set-on
against me.

But now I must say somewhat of myself: After I had staid a year in Holland, I heard from many hands, that the King seemed to forget his own greatness when he spoke of me; which he took occasion to do very often. I had published some account of the short Tour I had made, in several letters; in which my chief designs was to expose both Popery and Tyranny. The book was well received, and was much read: And it raised the King's displeasure very high.

My continuing at the Hague made him conclude, that I was managing designs against him. And some papers in single sheets came-out, reflecting on the proceedings of England, which seemed to have a considerable effect on those who read them. These were printed in Holland: And many copies of them were sent into all the parts of England. All which inflamed the King the more against me; for he believed they were writ by me, as indeed most of them were. But that which gave the crisis to the King's anger was, that he heard I was to be married to a considerable fortune at the Hague. So a project was formed to break this, by charging me with high-treason for corresponding with Lord Argile, and for conversing with some that were outlawed for high-treason.

The King ordered a letter to be writ in his name to his Advocate in Scotland, to prosecute me for some probable thing or other; which was intended only to make a noise, not doubting but this would break the intended marriage. A ship coming from Scotland the
day

day in which this prosecution was ordered, that had a quick passage, brought me the first news of it, long before it was sent to D'Albeville. So I petitioned the States, who were then sitting, to be naturalized in order to my intended marriage. And this past of course, without the least difficulty; which perhaps might have been made, if this prosecution, now begun in Scotland, had been known. Now I was legally under the protection of the States of Holland. Yet I writ a full justification of myself, as to all particulars laid to my charge, in some letters that I sent to the Earl of Middleton. But in one of these I said, that, being now naturalized in Holland, my allegiance was, during my stay in these parts, transferred from his Majesty to the States. I also said in another letter, that, if, upon my non-appearance, a sentence should pass against me, I might be, perhaps, forced to justify myself, and to give an account of the share that I had in affairs these twenty years past: In which I might be led to mention some things, that, I was afraid, would displease the King: And therefore I should be sorry, if I were driven to it.

Now the Court thought they had somewhat against me: For they knew they had nothing before. So the first citation was let fall, and a new one was ordered on these two accounts. It was pretended to be high-treason, to say my allegiance was now transferred: And it was set-forth, as a high indignity to the King, to threaten him with writing a history of the transactions past these last twenty years. The first of these struck at a great point, which was a part of the law of Nations. Every man that was naturalized took an oath of allegiance to the Prince, or State, that naturalized him. And, since no man can serve two masters, or be under a double allegiance,

allegiance, it is certain, that there must be a transfer of allegiance, at least during the stay in the country where one is so naturalized.

This matter was kept-up against me for some time, the Court delaying proceeding to any sentence for several months. At last a sentence of outlawry was given: And upon that Albeville said, that, if the States would not deliver me up, he would find such instruments as should seize on me, and carry me away forcibly. The methods he named of doing this were very ridiculous. And he spoke of it to so many persons, that I believed his design was rather to frighten me, than that he could think to effect them. Many overtures were made to some of my friends in London, not only to let this prosecution fall, but to promote me, if I would make myself capable of it. I entertained none of these. I had many stories brought me of the discourses among some of the brutal Irish, then in the Dutch service. But, I thank God, I was not moved with them. I resolved to go-on, and to do my duty, and to do what service I could to the publick, and to my Country: And resigned myself up entirely to that Providence, that had watched over me to that time with an indulgent care, and had made all the designs of my enemies against me turn to my great advantage.

Of the year
1688.

I come now to the year 1688, which proved memorable, and produced an extraordinary and unheard-of Revolution. The year in this Century made all people reflect on the same year in the former Century, in which the power of Spain received so great a check, that the decline of that Monarchy began then; and England was saved from an invasion, that, if it had succeeded as happily as it was well laid, must have ended

ended in the absolute conquest and utter ruin of the Nation. Our books are so full of all that related to that Armada, boasted to be invincible, that I need add no more to so known and so remarkable a piece of our history. A new eighty-eight raised new expectations, in which the surprising events did far exceed all that could have been looked-for.

I begin the year with Albeville's negotiation after his coming to the Hague. He had, before his going-over, given-in a threatening memorial upon the business of Bantam, that looked like a prelude to a declaration of war; for he demanded a present answer, since the King could no longer bear the injustice done him in that matter, which was set-forth in very high words. He sent this memorial to be printed at Amsterdam, before he had communicated it to the States. The chief effect that this had was, that the Actions of the Company did sink for some days. But they rose soon again: And by this it was said, that Albeville himself made the greatest gain. The East-India fleet was then expected home every day. So the Merchants, who remembered well the business of the Smirna fleet in the year seventy-two, did apprehend that the King had sent a fleet to intercept them, and that this memorial was intended only to prepare an apology for that breach, when it should happen: But nothing of that sort followed upon it. The States did answer this memorial with another, that was firm, but more decently expressed: By their last treaty with England it was provided that, in case any dispute should arise between the Merchants of either side, Commissioners should be named on both sides to hear and judge the matter. The King had not yet named any of his side: So that the delay lay at his door. They were therefore amazed to receive

Albeville's
memorial
to the
States.

receive a memorial in so high a strain, since they had done all that by the treaty was incumbent on them. Albeville after this gave in another memorial, in which he desired them to send over Commissioners for ending that dispute. But, tho' this was a great fall from the height in which the former memorial was conceived, yet in this the thing was so ill apprehended, that the Dutch had reason to believe that the King's Ministers did not know the treaty, or were not at leisure to read it: For, according to the treaty, and the present posture of that business, the King was obliged to send over Commissioners to the Hague to judge of that affair. When this memorial was answered, and the treaty was examined, the matter was let fall.

Albeville's next negociation related to myself. I had printed a paper in justification of myself, together with my letters to the Earl of Middleton. And he, in a memorial, complained of two passages in that paper. One was, that I said it was yet too early to persecute men for religion, and, therefore, crimes against the State were pretended by my enemies: This, he said, did insinuate, that the King did in time intend to persecute for religion. The other was, that I had put in it an intimation, that I was in danger by some of the Irish Papists. This, he said, was a reflection on the King, who hated all such practices. And to this he added, that, by the laws of England, all the King's subjects were bound to seize on any person, that was condemned in his Courts, in what manner soever they could: And therefore he desired, that both I and the printer of that paper might be punished. But now upon his return to the Hague, I, being outlawed by that time, he demanded, that, in pursuance of an article of the treaty that related to rebels or fugitives, I might be banished the Provinces.

vinces. And to this he craved once and again a speedy answer.

I was called before the Deputies of the States of Holland, that I might answer the two memorials that lay before them relating to myself. I observed the difference between them. The one desired, that the States would punish me, which did acknowledge me to be their Subject. The other, in contradiction to that, laid claim to me as the King's rebel. As to the particulars complained-of, I had made no reflection on the King; but to the contrary. I said, my enemies found it was not yet time to persecute for religion. This insinuated, that the King could not be brought to it. And no person could be offended with this, but he who thought it was now not too early to persecute. As to that of the danger which I apprehended myself to be in, I had now more reason than before to complain of it, since the Envoy had so publicly affirmed, that every one of the King's subjects might seize on any one that was condemned, in what manner soever they could, which was either dead or alive. I was now the subject of the States of Holland, naturalized in order to a marriage among them, as they all knew: And, therefore, I claimed their protection. So, if I was charged with any thing that was not according to law, I submitted myself to their justice. I should decline no trial, nor the utmost severity, if I had offended in any thing. As for the two memorials that claimed me as a fugitive and a rebel, I could not be looked-upon as a fugitive from Scotland. It was now fourteen years since I had left that Kingdom, and three since I came out of England with the King's leave. I had lived a year in the Hague openly; and nothing was laid to my charge. As for the sentence that was pretended to

be

be past against me, I could say nothing to it, till I saw a copy of it.

The States
answer to
what relat-
ed to me.

The States were fully satisfied with my answers; and ordered a memorial to be drawn according to them. They also ordered their Embassador to represent to the King that he himself knew how sacred a thing Naturalization was. The faith and honour of every State was concerned in it. I had been naturalized upon marrying one of their subjects, which was the justest of all reasons. If the King had anything to lay to my charge, justice should be done in their Courts. The King took the matter very ill; and said, it was an affront offered him, and a just cause of war. Yet, after much passion, he said, he did not intend to make war upon it; for he was not then in a condition to do it. But he knew there were designs against him, to make war on him, against which he should take care to secure himself; And he should be on his guard. The Embassador asked him, of whom he meant that. But he did not think fit to explain himself further. He ordered a third Memorial to be put-in against me, in which the article of the treaty was set-forth: But no notice was taken of the answers made to that by the States: But it was insisted-on, that, since the States were bound not to give sanctuary to fugitives and rebels, they ought not to examine the grounds on which such judgements were given, but were bound to execute the treaty. Upon this it was observed, that the words in treaties ought to be explained according to their common acceptation, or the sense given them in the civil law, and not according to any particular forms of Courts, where for non-appearance a writ of outlawry, or rebellion might lie: The sense of the word *Rebel* in common use was, a man that had born arms, or had plotted against

against his Prince: And a *Fugitive* was a man that fled from justice. The heat with which the King seemed inflamed against me, carried him to say and do many things that were very little to his honour.

I had advertisements sent me of a further progress in his designs against me. He had it suggested to him, that, since a sentence was past against me for non-appearance, and the States refused to deliver me up, he might order private persons to execute the sentence as they could: And it was writ over very positively, that 5000*l.* would be given to any one that should murder me. A Gentleman of an unblemished reputation writ me word, that he himself, by accident, saw an order drawn in the Secretary's Office, but not yet signed, for 3000*l.* to a blank person that was to seize, or destroy, me. And he also affirmed, that Prince George had heard of the same thing, and had desired the person to whom he trusted it to convey the notice of it to me: And my author was employed by that person to send the notice to me. The King asked Jefferies, what he might do against me in a private way, now that he could not get me into his hands. Jefferies answered, he did not see how the King could do any more than he had done. He told this to Mr. Kirk to send it to me; for he concluded, the King was resolved to proceed to extremities, and only wanted the opinion of a man of the Law to justify a more violent method. I had so many different advertisements sent me of this that I concluded a whisper of such a design might have been set-about, on design to frighten me into some mean submission, or into silence at least. But it had no other effect on me, but that I thought fit to stay more within doors, and to use a little more than ordinary caution. I thank God, I was very little con-

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cerned at it. I resigned up my life very freely to God. I knew my own innocence, and the root of all the malice that was against me. And I never possessed my own soul in a more perfect calm, and in a clearer cheerfulness of spirit, than I did during all those threatnings, and the apprehensions that others were in concerning me.

Pensioner
Fagel's
letter to
Mr. Stew-
ard, an emi-
nent
Scotchman
taken into
favour by
King James.

Soon after this a letter writ by Fagel, the Pensioner of Holland, was printed: Which leads me to look-back a little into a transaction that passed in the former year. There was one Steward, a lawyer of Scotland, a man of great parts, and of as great ambition. He had given-over the practice of the law, because all that were admitted to the Bar in Scotland were required to renounce the Covenant; which he would not do. This recommended him to the confidence of that whole party. They had made great use of him, and trusted him entirely. Pen had engaged him, (who had been long considered by the King, as the chief manager of all the rebellions and plots, that had been on foot these twenty years past, more particularly of Argile's) to come-over: And he undertook, that he should not only be received into favour, but into confidence. He came, before he crossed the Seas, to the Prince, and promised an inviolable fidelity to him, and to the common interests of religion and liberty. He had been oft with the Pensioner, and had a great measure of his confidence. Upon his coming to Court, he was carested to a degree that amazed all who knew him. He either believed, that the King was sincere in the professions he made, and that his designs went no further, than to settle a full liberty of conscience: Or he thought, that it became a man who had been so long in disgrace, not to shew any jealousies at first, when the
King

King was so gracious to him. He undertook to do all that lay in his power to advance his designs in Scotland; and to represent his intentions so at the Hague, as might incline the Prince to a better opinion of them.

He opened all this in several letters to the Pensioner. And in these he pressed him vehemently, in the King's name, and by his direction, to persuade the Prince to concur with the King in procuring the laws to be repealed. He laid before him the inconsiderable number of the Papists: So that there was no reason to apprehend much from them. He also enlarged on the severities that the penal laws had brought on the Dissenters. The King was resolved not to consent to the repealing them, unless the Tests were taken-away with them: So that the refusing to consent to this might at another time bring them under another severe prosecution. Steward, after he had writ many letters to this purpose without receiving any answers, tried if he could serve the King in Scotland, with more success, than it seemed he was like to have at the Hague. But he found there, that his old friends were now much alienated from him, looking on him as a person entirely gained by the Court.

The Pensioner laid all his letters before the Prince. They were also brought to me. The Prince upon this thought, that a full answer made by Fagel, in such a manner as that it might be published as a declaration of his intentions, might be of service to him in many respects; chiefly in Popish Courts, that were, on civil accounts, inclined to an alliance against France, but were now possessed with an opinion of the Prince, and of his party in England, as designing nothing but the

ruin and extirpation of all the Papists in those Kingdoms. So the Pensioner wrote a long answer to Steward, which was put in English by me.

The sentiments of the Prince and Princess of Orange, concerning the Laws against Papists and Protestant Dissenters.

He began it with great assurances of the Prince and princess's duty to the King. They were both of them much against all persecution on the account of religion. They freely consented to the covering Papists from the severities of the laws made against them, on the account of their religion, and also that they might have the free exercise of it in private. They also consented to grant a full liberty to Dissenters. But they could not consent to the repeal of those laws, that tended only to the securing the Protestant religion; such as those concerning the Tests, which imported no punishment, but only an incapacity of being in publick employments, which could not be complained-of as great severities. This was a caution observed in all Nations, and was now necessary, for securing both the publick peace and the established religion. If the numbers of the Papists were so small as to make them inconsiderable, then it was not reasonable to make such a change for the sake of a few. And if those few, that pretended to publick employments, would do all their own party so great a prejudice, as not to suffer the King to be content with the repeal of the penal laws, unless they could get into the offices of trust, then their ambition was only to be blamed, if the offers now made were not accepted. The matter was very strongly argued thro' the whole Letter: And the Prince and Princess's zeal for the Protestant Religion was set-out in terms, that could not be very acceptable to the King. The Letter was carried by Steward to the King, and was brought by him into the cabinet-council. But nothing followed

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ed then upon it. The King ordered Steward to write-back, that he would either have all or nothing. All the Lay-Papists of England, who were not engaged in the intrigues of the Priests, pressed earnestly that the King would accept of the repeal of the penal laws; which was offered, and would have made them both easy and safe for the future. The Emperor was fully satisfied with what was offered; and promised to use his interest at Rome, to get the Pope to write to the King to accept of this, as a step to the other: But I could not learn whether he did it, or not. If he did, it had no effect. The King was in all points governed by the Jesuits, and the French Ambassador.

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Father Petre, as he had been long in the confidence, was now brought to the Council-board, and made a Privy Counsellor: And it was given-out, that the King was resolved to get a Cardinal's Cap for him, and to make him Archbishop of York. The Pope was still firm to his resolution against it. But it was hoped that the King would conquer it, if not in the present, yet at furthest in the next Pontificate. The King resolved at the same time not to disgust the Secular Priests: So Bishop Leyburn, whom Cardinal Howard had sent-over with the Episcopal character, was made much use of in appearance, tho' he had no great share in the counsels. There was a faction formed between the Seculars and the Jesuits, which was sometimes near breaking-out into an open rupture. But the King was so partial to the Jesuits, that the others found they were not on equal terms with them. There were three other Bishops consecrated for England. And these four were ordered to make a progress and circuit over England, confirming, and doing other Episcopal offices, in all

Father Petre made a Counsellor

The confidence of the Jesuits.

the parts of England. Great numbers gathered about them, wheresoever they went.

The Jesuits thought all was sure, and that their scheme was so well laid that it could not miscarry. And they had so possessed that contemptible tool of theirs, Albeville, with this, that he seemed, upon his return to the Hague, to be so sanguine, that he did not stick to speak-out, what a wiser man would have suppressed though he had believed it. One day, when the Prince was speaking of the promises the King had made, and the oath that he had sworn, to maintain the laws and the established Church, he, instead of pretending that the King still kept his word, said, "upon some occasions Princes must forget their promises." And, when the Prince said, that the King ought to have more regard to the Church of England, which was the main body of the Nation, Albeville answered, "that the body which he called the Church of England would not have being two years to an end." Thus he spoke-out the designs of the Court, both too early and too openly. But at the same time he behaved himself in all other respects so poorly, that he became the jest of the Hague. The foreign Ministers, Mr. D'Avaux the French Ambassador not excepted, did not know how to excuse, or bear with, his weakness, which appeared on all occasions and in all companies.

The Pensioner's letter was printed, and was received with universal joy all over England.

What he wrote to England upon his first audiences was not known. But it was soon after spread up and down the Kingdom, very artificially and with much industry, that the Prince and Princess had now consented to the repeal of the Tests, as well as of the penal laws. This was writ over by many hands to the Hague. The Prince, to prevent the ill effects that might follow
on

on such reports, gave orders to print the Pensioner's letter to Steward; which was sent to all the parts of England, and was received with an universal joy. The Dissenters saw themselves now safe in his intentions towards them. The Church-party was confirmed in their zeal for maintaining the Tests. And the Lay-Papists seemed likewise to be so well pleased with it, that they complained of those ambitious Priests, and hungry Courtiers, who were resolved, rather than lay down their aspirings and other projects, to leave them still exposed to the severities of the laws, though a freedom from these was now offered to them. But it was not easy to judge, whether this was sincerely meant by them, or if it was only a popular art, to recommend themselves under such a moderate appearance. The Court saw the hurt that this Letter did them. At first they hoped to have stifled it by calling it an imposture. But, when they were driven from that, the King began to speak severely and indecently of the Prince, not only to all about him, but even to foreign Ministers: And resolved to put such marks of his Indignation upon him, as should let all the world see how deep it was.

ANOTHER EXTRACT FROM BISHOP BURNET'S HISTORY OF HIS OWN TIMES, CONTAINING AN ACCOUNT OF THE DEATH OF KING CHARLES THE SECOND, AND THE GROUNDS FOR SUPPOSING THAT HE WAS POISONED.

1685.

A new
scheme of
government.

THERE was at this time a new scheme formed, that very probably would have for ever broken the King and the Duke. But how it was laid was so great a secret, that I could never penetrate into it. It was laid at Lady Portsmouth's. Barillon and Lord Sunderland were the chief managers of it. Lord Godolphin was also in it. The Duke of Monmouth came-over secretly. And, tho' he did not see the King, yet he went-back very well pleased with his journey. But he never told his reason to any, that I know of. Mr. May, of the privy-purse, told me, that he was told there was a design to break-out, with which he himself would be well-pleased: And when it was ripe, he was to be called-on to come and manage the King's temper, which no man understood better than he did; for he had been bred about the King ever since he was a child: And, by his post, he was in the secret of all his amours; but was contrary to his notions in every thing else, both with relation to Popery, to France, and to Arbitrary government. Yet he was so true to the King, in that leud confidence in which he employed him, that the King had charged him never to prefa
him

him in any thing, so as to provoke him. By this means he kept all this while much at a distance ; for he would not enter into any discourse with the King on matters of state, till the King began with him. And he told me, he knew, by the King's way, that things were not yet quite ripe, nor he thoroughly fixed on the design. That with which they were to begin was, the sending the Duke to Scotland. And it was generally believed, that, if the two brothers should be once parted, they would never meet again. The King spoke to the Duke concerning his going to Scotland : And he answered, that there was no occasion for it : Upon which the King replied, that either the Duke must go, or that he himself would go thither.

The King was observed to be more than ordinarily penfive. And his fondness to Lady Portsmouth increased, and broke-out in very indecent instances. The Grand Prior of France, the Duke of Vendome's brother, had made some application to that Lady, with which the King was highly offended. It was said, the King came-in on a sudden, and saw that which provoked him : So he commanded him immediately to go out of England. Yet, after that, the King caressed her in the view of all people, which he had never done on any occasion, or to any person, formerly. The King was observed to be colder and more reserved to the Duke than ordinary. But "what was under all this" was still a deep secret. Lord Halifax was let into no part of it. He still went-on against Lord Rochester. He complained in council, that there were many razures in the books of the Treasury, and that several leaves were cut-out of those books : And he moved the King to go to the Treasury-chamber, that the books might be laid before him, and that he might judge of the matter upon

Feb. 2,
1684-5.

upon sight. So the King named the next Monday. And it was then expected, that the Earl of Rochester would have been turned-out of all, if not sent to the Tower. And a message was sent to Mr. May, then at Windfor, to desire him to come to Court that day, which it was expected would prove a critical day. And it proved to be so indeed, tho' in a different way.

The King's
sickness.

All this winter the King looked better than he had done for many years. He had a humour in his leg, which looked like the beginning of the gout : So that for some weeks he could not walk, as he used to do generally, three or four hours a day in the Park ; which he did commonly so fast, that, as it was really an exercise to himself, so it was a trouble to all about him to hold-up with him. In the state the King was in, he, not being able to walk, spent much of his time in his laboratory, and was running a process for the fixing of Mercury. On the first of February, being a Sunday, he eat little all day, and came to Lady Portsmouth at night, and called for a porringer of spoon-meat. It was made too strong for his stomach. So he eat little of it : And he had an unquiet night. In the morning one Dr. King, a Physician and a Chymist, came, as he had been ordered, to wait on him. All the King's discourse to him was so broken, that he could not understand what he meant. And the Doctor concluded, he was under some great disorder, either in his mind, or in his body. The Doctor, amazed at this, went-out, and, meeting with the Lord Peterborough, he said, the King was in a strange humour ; for he did not speak one word of sense. Lord Peterborough desired he would go-in again to the bedchamber, which he did. And he was scarce come-in, when the King, who

who seemed all the while to be in great confusion, fell-down all of a sudden in a fit like an Apoplexy: He looked black, and his eyes turned in his head. The Physician, who had been formerly an eminent Surgeon, said, it was impossible to save the King's life, if one minute was lost: He would rather venture on the rigour of the law, than leave the King to perish. And so he let him bleed. The King came out of that fit; And the physicians approved what Dr. King had done: Upon which the Privy Council ordered him a thousand pound; which yet was never paid him. Tho' the King came out of that fit, yet the effects of it hung still upon him, so that he was much oppressed. And the physicians did very much apprehend the return of another fit, and that it would carry him off: So they looked on him as a dead man. The Bishop of London spoke a little to him, to dispose him to prepare for whatever might be before him, to which the King answered not a word. But that was imputed partly to the Bishop's cold way of speaking, and partly to the ill opinion they had of him at Court, as too busy in opposition to Popery. Sancroft made a very weighty exhortation to him; in which he used a good degree of freedom, which, he said, was necessary, since he was going to be judged by one who was no respecter of persons. To him the King made no answer neither; nor yet to Ken, tho' the most in favour with him of all the Bishops. Some imputed this to an insensibility; of which too visible an instance appeared, since Lady Portsmouth sat in the bed, taking care of him as a wife of a husband. Others guessed truer, that it would appear he was of another religion. On Thursday a second fit returned. And then the physicians told the Duke, that the King was not like to live a day to an end.

Feb. 5,
1684-5.

The

He received
the Sacra-
ments from
a Popish
Priest.

The Duke immediately ordered Hudleston, the Priest that had a great hand in saving the King at Worcester fight, (for which he was excepted out of all severe acts that were made against Priests,) to be brought to the lodgings under the bed-chamber. And when he was told what was to be done, he was in great confusion; for he had no hostie about him. But he went to another Priest, that lived in the Court, who gave him the pix with an hostie in it. But that poor Priest was so frightened, that he run out of Whitehall in such haste that he struck against a post, and seemed to be in a fit of madness with fear. As soon as Hudleston had prepared every thing that was necessary, the Duke whispered the King in the ear. Upon that the King ordered that all who were in the bed chamber to withdraw, except the Earls of Bath, and Feversham: And the door was double locked. The company was kept-out half an hour: Only Lord Feversham opened the door once, and called for a glass of water. Cardinal Howard told me at Rome, that Hudleston, according to the relation that he sent thither, made the King to go thro' some acts of contrition, and, after such a confession as he could then make, he gave him Absolution and the other Sacraments. The hostie stuck in his throat: And that was the occasion of calling for a glass of water. He also gave him extream Unction. All must have been performed very superficially, since it was so soon ended: But the King seemed to be at great ease upon it. It was given-out, that the King said to Hudleston, that he had saved him twice, first his body, and now his soul; and that he asked him, if he would have him declare himself to be of their Church. But it seems he was prepared for this, and so diverted the King from it; and said, he took it upon him to satisfy the world in that particular.

particular. But, tho', by the principles of all religions whatsoever, he ought to have obliged him to make open profession of his religion, yet, it seems, the consequences of that were apprehended; for without doubt that poor Priest acted by the directions that were given him. The company was suffered to come-in. And the King went through the agonies of Death with a calm and a constancy, that amazed all who were about him, and knew how he had lived. This made some conclude, that he had made a will, and that his quiet was the effect of that. Ken applied himself much to the awaking the King's conscience. He spoke with a great elevation, both of thought and expression, like a man inspired, as those who were present told me. He resumed the matter often, and pronounced many short ejaculations and prayers, which affected all that were present, except him that was the most concerned; who seemed to take no notice of him, and made no answers to him. He pressed the King six or seven times to receive the Sacrament. But the King always declined it, saying, he was very weak. A table, with the elements upon it ready to be consecrated, was brought into the room; which occasioned a report to be then spread about, that he had received it. Ken pressed him to declare that he desired it, and that he died in the Communion of the Church of England. To that he answered nothing. Ken asked him, if he desired Absolution of his sins. It seems the King, if he then thought any thing at all, thought that would do him no hurt. So Ken pronounced it over him: For which he was blamed, since the King expressed no sense of sorrow for his past life, nor any purpose of amendment. It was thought to be a prostitution of the peace of the Church, to give it to one, who, after a life led as the King's had been, seemed

seemed to harden himself against every thing that could be said to him. Ken was also censured for another piece of indecency: He presented the Duke of Richmond, Lady Portsmouth's son, to be blessed by the King. Upon this some that were in the room cried-out, "the King was their common father." And, upon that, all kneeled down for his blessing; which he gave them. The King suffered much inwardly, and said, he was burnt-up within; of which he complained often, but with great decency. He said once, he hoped he should climb-up to heaven's gates, which was the only word favouring of religion that he was heard to speak.

N. B.

He gathered all his strength to speak his last words to the Duke, to which every one hearkened with great attention. He expressed his kindness to him, and that he now delivered all over to him with great joy. He recommended Lady Portsmouth over and over again to him. He said, he had always loved her, and he loved her now to the last; and besought the Duke, in as melting words as he could fetch-out, to be very kind to her and to her son. He recommended his other children to him: And concluded, "let not poor Nelly starve;" that was Mrs. Gwyn. But he said nothing of the Queen, nor any one word of his people, or of his servants: Nor did he speak one word of religion, or concerning the payment of his debts, tho' he left behind him about 90,000 guineas, which he had gathered, either out of the privy purse, or out of the money which was sent him from France, or by other methods, and which he had kept so secretly that no person whatsoever knew any thing of it.

His death.

He continued in the agony till Friday at eleven a clock, being the sixth of February, 1684-5; and then died in the fifty-fourth year of his age, after he had reigned

reigned, if we reckon from his father's death, thirty-six years, and eight days; or, if we reckon from his Restoration, twenty-four years, eight months, and nine days. There were many very apparent suspicions of his being poisoned: For, tho' the first access looked like an apoplexy, yet it was plain in the progress of it that it was no apoplexy. When his body was opened, the physicians who viewed it were, as it were, led, by those who might suspect the truth, to look upon the parts that were certainly sound. But both *Lower* and *Needham*, two famous physicians, told me, they plainly discerned two or three blue spots on the outside of the stomach. *Needham* called twice to have it opened: But the surgeons seemed not to hear him. And when he moved it the second time, he, as he told me, heard *Lower* say to one that stood next him, "Needham will undo us, calling thus to have the stomach opened; for he may see they will not do it." They were diverted to look to somewhat else: And, when they returned to look upon the stomach, it was carried-away: So that it was never viewed. *Le Fevre*, a French physician, told me, he saw a blackness in the shoulder: Upon which he made an incision, and saw it was all mortified. *Sbort*, another physician, (who was a Papist, but after a form of his own,) did very much suspect foul dealing: And he had talked more freely of it, than any of the Protestants durst do at that time. But he was, not long after, taken suddenly ill, upon a large draught of wormwood wine, which he had drunk in the house of a Popish patient, that lived near the Tower, who had sent for him; of which he died. And, as he said to *Lower*, *Millington*, and some other physicians, he believed that he himself was poisoned, for his having spoken so freely of the King's death. The King's

N. B.

King's body was indecently neglected. Some parts of his inwards, and some pieces of the fat, were left in the water in which they were washed: All which were so carelessly looked-after, that, the water being poured-out at a scullery-hole that went to a drain, in the mouth of which a grate lay, these were seen lying on the grate many days after. His funeral was very mean. He did not lie in state: No mournings were given: And the expense of it was not equal to what an ordinary Nobleman's funeral will rise to. Many upon this said, that he deserved better from his brother, than to be thus ungratefully treated in ceremonies that are publick, and that make an impression on those who see them, and who will make severe observations and inferences on such omissions. But, since I have mentioned the suspicions of poison, as the cause of his death, I must add, I never heard any lay those suspicions on his brother. But his dying so critically, as it were in the minute in which he seemed to begin a turn of affairs, made it be generally the more believed, and that the Papists had done it, either by the means of some of Lady Portsmouth's servants, or, as some fancied, by poisoned snuff; for so many of the small veins of the brain were burst, that the brain was in great disorder, and no judgment could be made concerning it. To this I shall add a very surprising story *, that I had in November, 1709, from Mr. Henly of Hampshire. He told me, that, when the Dutchess of Portsmouth came-over to England in the year 1699, he heard, that she had talked as if King-Charles had been poisoned; which he desiring to have from her own mouth, she gave him this account of it. She was always pressing the King to make both himself

* This is added to the original in a loose sheet.

and

and his people easy, and to come to a full agreement with his Parliament: And he was come to a final resolution of sending away his brother, and of calling a Parliament; which was to be executed the next day after he fell into that fit of which he died. She was put upon the secret, and spoke of it to no person alive, but to her Confessor: But the Confessor, she believed, told it to some, who, seeing what was to follow, took that wicked course to prevent it. Having this from so worthy a person, as I have set it down without adding the least circumstance to it, I thought it too important not to be mentioned in his history. It discovers both the knavery of Confessors, and the practices of Papists, so evidently, that there is no need of making any further reflections on it.

N. B.

THE
PAPISTS'
BLOODY OATH OF SECRECY
 AND
LITANY OF INTERCESSION
 FOR
ENGLAND:

With the Manner of taking the Oath, upon their
 entering into any *Grand Conspiracy* against the
Protestants.

As it was taken in the Chapel belonging to *Barn-
 bow-Hall*, the Residence of *Sir Thomas Gascoigne*,
 from *William Rusbton*, a Popish Priest.

BY ROBERT BOLRON, GENT.

JOVIS 16^o DIE DECEMBRIS, 1680.

Ordered,

THAT *Mr. Robert Bolron have Liberty from this
 House, to print and publish the said Oath of Secrecy
 and Litany.*

W. Goldsbrough, Cler. D. C.

LONDON:

Printed in the Year 1680. Reprinted for S. SLOW,
 and Sold over-against *St. Clement's Church* in the
Strand. 1745.

Jovis 16 Die Decembris 1680.

A Petition of Mr. Robert Bolron, desiring Leave from *This house*, to print the *PAPISTS' Oath of Secrecy*, and *Litany of Intercession for England* therein mentioned, was Read.

Ordered,

That Mr. Robert Bolron have Liberty from This House to Print and Publish the said OATH OF SECRECY and LITANY.

William Goldsbrough,
Cler. Dom. Com.

The

THE
INFORMATION, &c.

AFTER the antient Piety, Zeal, and Strictness of Life, exemplary in the Primitive Christians, had, in a measure, put the Dominion of this World, and the Keys of the next, into the Hands of the Clergy; Care of gaining Souls became, in a few Centuries, obsoleted: The former illustrious Times of Virtue vanished, and a gloomy Night of Ignorance soon overspread the Universe. The Clergy, the Authors of this Unhappiness, (finding their Religion and Greatness must be maintained by Power and Policy; and conscious to themselves, that their Lives and Doctrine held no good Correspondence with the Purity and Poverty of their Predecessors,) took a Course (because they had little left of their own) to trade with the Piety of the Ages past, and prop-up their own Ignorance and Sloth by that Means. To work they go; they make Gods of the deceased Propagators of Christianity, and enshrine their Rotten Bones, or those of others, in Cases of Gold and Silver. The next Thing was, to persuade or compel the People to adore them. In this Erecting a new Order of Demi-gods, they imitated the *Pagans* in their Wickedness, but not in their Virtue or Valour, and clapped the festivals of these new Pa-Gods into the Calendar in Places of the old Holy-days of *Saturn*,

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Minerva, and *Bacchus*, &c. This Project answered Expectation ; they grew greater, but not better. The Miracles pretendedly wrought at those Shrines, and Multitude of Ceremonies, dazzled the Vulgar, supported the Reputation, and supplied the Defect of the Clergy. The glorious Lives, Wonders, and Martyrdoms, of the Antients were made into Mantles to hide the Ignorance, Lust, and Avarice, of worthless Impostors ; and Laws every-where were made to restrain Men from peeping into the Ark of the Church. And, to strip Princes privily of their Power, and to draw their Subjects to other Dependencies, numerous Orders and Societies are conjured-up, (as though the Laiety had not groaned enough under the Seculars,) to erect a kingdom in every Kingdom for the Pope, and to supply him in every Corner with a Villain Spiritual, to stab or poison what Potentates he pleases.

Things thus jogg'd-on till the Days of our Grand-fathers ; when in *England* the Pope and his Clergy were secluded, and it was made Death for any *Romish* Priest to enter the Realm. Yet, since, they have not only come hither, but, by Help of Factors and Profelytes, have acquired great Estates in these Kingdoms, and are now endeavouring to destroy us all, and introduce *Popery*.

This is as clear as Noon-day, by many Testimonies, among which, this Oath following is a most notorious Evidence, on which I shall make some Remarks.

THE OATH OF SECRECY,

Given by *William Rushton*, to me *Robert Bolron*,
the second of *February* 1676-7.

*In the Name of the Father, and of the Son, and
of the Holy Ghost. Amen.*

I, ROBERT BOLRON. *being in the Presence of
Almighty God, the Blessed Mary ever Virgin,
the Blessed Michael the Archangel, the Blessed
St. John Baptist, the holy Apostles, St. Peter
and St. Paul, and all the Saints in Heaven, and
to you my Ghostly Father ; do declare, and in
my Heart believe, the Pope, Christ's Vicar-Gener-
al, to be the true, and only, Head of Christ's
Church here on earth ; and that, by Virtue of
the Keys of Binding and Loosing, given his
Holiness by our Saviour Christ, he hath Power
to depose all heretical Kings and Princes, and
cause them to be killed. Therefore, to the
utmost of my Power, I will defend this Doc-
trine, and his Holiness's Rights, against all
Usurpers whatever ; especially against the now
pretended King of England, in regard that he
hath broke his Vows with his Holiness's Agents* N. B.
beyond

beyond Seas, and not performed his Promises, in bringing into England the Holy Roman Catholick Religion. I do renounce and disown any Allegiance as due to the said pretended King of England, or Obedience to any of his inferior Officers and Magistrates; but do believe the Protestant Doctrine to be heretical and damnable, and that all are damned which do not forsake the same; and, to the best of my Power, will help his Holiness's Agents here in England, to extirpate, and root-out the said.

N. B. *Protestant Doctrine, and to destroy the said pretended King of England, and all such of his Subjects, as will not adhere to the Holy See of Rome, and the Religion there professed. I further do promise and declare, That I will keep secret and private, and not divulge, directly nor indirectly, by Word, Writing, or Circumstance, whatever shall be proposed, given in Charge, or discovered, to me by you my Ghostly Father, or any other engaged in the promoting of this pious and holy Design; and that I will be active, and not desist from the carrying of it on: And that no hopes of Rewards, Threats, or Punishments, shall make me discover the rest concerned in so pious a Work; and, if discovered, shall never confess any Accessories, with myself concerned in this Design. All which I do swear by the Blessed Trinitie, and by the Blessed Sacrament, (which I now purpose*
to

to receive,) to perform, and, on my Part, to keep inviolable: And do call all the Angels, and Saints in Heaven, to witness my real Intention to keep this Oath. In Testimony whereof, I do receive this most Holy and Blessed Sacrament of the Eucharist.

It is manifest, that the Grandees of the Roman Church make no more Account of Religion, than the Profit and Convenience it brings along with it, are able to compensate: Yet they ever begin with a Holy Canticum, *In nomine Patris*; by such Means inducing the People to swallow their gilded Pills, or Poisons rather, to the Destruction oftentimes of Body and Soul too.

In this wicked Thing call'd an Oath, they blasphemously set-up the *Blessed Mary*, St. *Michael*, St. *John*, St. *Peter*, St. *Paul*, and *Rushton*, the priest, in an equal Classis with God Almighty; but mention not Christ, till they come to declare the Pope to be his Vicar, and that thereby the Pope hath Letters-Patents, to impower him to do what he shall think fit, in Heaven, Hell, Earth, and in Purgatory; to depose and kill heretick Kings, yea, and Catholick ones too, when he wants Opportunity to advance a Harlot, a Bastard, or a Nephew. In such Cases, a *Chastel*, a *Clement*, a *Ravilliack*, or a *Pickering*, are ever ready to transmit whom he pleases into another

another World, whilst himself, without such Help, but not without Money, puts a Soul into Heaven, or pulls one out of Purgatory.

Indeed this Oath is its own Herald, is its own Comment ; every Word of it is Rebellion, Treason, and Murder, stiled hypocritically *Pious and holy Designs* ; it was stamp'd in the Mint of the *Jesuits*, and is a very notable Comment upon that Oath, which blessed *Ignatius Loyola* imposed upon his spiritual *Mamaluks*, and may give us to understand, that *Romish* Wickedness is sublimated since those Days into a much higher Spirit of Treachery and Impiety. The Oath then made to the Father General is as followeth.

Ego N. Professionem facio, & promitto omnipotenti Deo, coràm ejus Virgine Matre, & universâ cœlesti Curiâ, ac omnibus circumstantibus ; & tibi Patri Reverendo N. Præposito Generali Societatis *Jesu*, Locum Dei tenenti, & Successoribus tuis, vel tibi Reverendo Patri, Vice Præposito Generali Societatis *Jesu*, & Successoribus tuis, Locum Dei tenenti, perpetuam Paupertatem, Castitatem, & Obedientiam, & secundùm eas, peculiarem Curam, circâ Puerorum Eruditionem, juxtâ Formam vivendi in Literis Apostolicis Societatis *Jesu*, & in ejus Constitutionibus contentam ; insupèr promitto specialem Obedientiam Summo Pontifici circâ Missiones,

proût

proût in eisdem Literis Apostolicis & Constitu-
tionibus continetur.

Which is Englished thus :

*I, N. make my Profession, and promise to the Omnipotent God, before his Virgin-Mother, and all the whole Court of Heaven, and all that here stand-by, and to you our Reverend Father, the Father * General of the Society of Jesus, God's ^{rather Provost.} Lieutenant, and to your Successors, (or to you Reverend Father, in Place of the Provost General of the Society of Jesus, God's Lieutenant, and his Successors) perpetual Poverty, Chastity, and Obedience ; and accordingly, peculiar Care in the Erudition of Youth, consentaneous to the Form of Living, contained in the Apostolick Letters of * the ^{rather concerning.} Society of Jesus, and in the Constitutions thereof. Moreover, I promise special Obedience to the Pope, concerning Missions, as contained in the same Apostolick Letters and Constitutions.*

Our new Explanation, or Exposition, far exceeds the old Text, and is a Superstructure upon that pristine Foundation of Villainy, erected since those Times. The Blessed Trinity, the Holy Sacrament, and the whole Host of Heaven, are made Packing-horses for impious Mortals in the ungodly, uncharitable, Anti-christian, Works of ruining Kings, Kingdoms, and all Mankind

Mankind besides themselves, only to set-up the Court of *Rome*, and a despotick Power. These horrid Impieties (but that we are promised the Gates of Hell shall not prevail against them) might make conscientious Men, with Trembling, preface and dread, That the Ruin of *Christianity* is not far off. These Men, when they swear their mislead profelites into Treasons, Murders, Felonies, and Secrecy, little mind to consider what is taught in Holy Writ concerning an Oath, *Jerem. v. 2. And thou shalt swear, the Lord liveth in Truth, in Judgment, and in Righteousness, &c.* What Regard these Oaths have to Truth, Judgment, and Righteousness, let the Reader take notice, and proceed to observe one unparallel'd Clause in the Oath, viz. *And that no Hopes of Reward, Threats, or Punishments, shall make me discover the rest concerned in so pious a Work; and, if discovered, shall never confess any Accessories with myself concerned in this Design.*

Here they lead their Profelites into a Labyrinth of Wickedness; but then they leave them no Way or Means to disengage themselves or others out of it, and consequently to be hanged and damned afterwards. This may learn the most wilful and most obstinate Charity, to have a care how it extends itself, in believing the Words of the dying *Jesuits* and others. *Discite Justitiam moniti*, and let it teach all good *Protestants* the Nature
of

of these *Romish* Wolves, who, though they change their Hair, will never change their Hearts.

Now having given an account of the Oath of Secrecy, next I will render you an Account, how the *Jesuits*, and *Popish* priests do insinuate themselves into the Hearts of those, that they ensnare to engage in this damnable Design; which particularly, being exemplified in my own self, may serve as Instructions, how others were induced and encouraged to propagate their hellish Principles: The Relation is as followeth.

About the latter End of *January*, 1676, *Thomas Thwing*, a Priest, and *William Rushton*, another *Popish* Priest who was my Ghostly Father, came to my House at *Shippon-Hall* in *Yorkshire*, and did there examine me, how I was affected and did like the *Romish* Religion, since I was of it, and, if there were any Occasion, What would I do for the Good of that Religion? To whom I replied, That I was so well affected to the *Romish* Religion, that I would venture my Life and Estate in the Management of any Design whatsoever, for the Good of that *RELIGION*. The Priests then said, That they were glad to hear me in so good a Humour, and did heartily wish, that all the *Catholicks* in *England* were of my Mind; and further did tell me, that all *England* in a little Time would be *Roman-Catholicks*; for that the Duke of *York*, next Heir to the Crown, had renounced the *Protestant* Religion:

Religion; Therefore Force was to be used, for the more speedy bringing him to the Crown. **N.B.** But added, that, before I could be any further acquainted with the Particulars of this Design, I must first take the aforementioned Oath of Secrecy, which all good *Catholicks* must take; for, if any *Catholicks* did refuse it, they could not be permitted to know of their Designs and Contrivances: For that Sir *Thomas Gascoigne*, *Thomas Gascoigne*, Esquire, and other Gentlemen, had taken the same, and engaged themselves, and given Security for their respective Performances.

Then I told the said Priests, "that I would not deny to take it; for I would obey my Ghostly Father in all Things." And *Candlemas-day*, 1676, I did accordingly go to *Barnbow-Hall*, as was formerly agreed, where I did hear Mass, and take the Oath of Secrecy from the Hands of my Ghostly Father, to be private, and keep secret the Design of killing his Sacred Majesty, and the Destruction of all such *Protestants*, as would not be of the *Romish* Religion; which Oath of Secrecy is before related, and is the true Copy of the said Oath as I got it from the said *Kushton* accidentally, the very same Day it was ministered unto me by him.

Before I did take the Oath of Secrecy, I did go to Confession, where my Ghostly Father in my said Confession did tell me, that I must believe,

believe, *That it was a mortal Sin to reveal what was told me by my Ghostly Father in my Confession, and that I was certainly damned, if ever I did discover the Concerns of this Design, or taking the said Oath of Secrecy.*

But after I had taken the said *Oath of Secrecy*, and was acquainted with the Design, whenever I went to Confession, my Ghostly Father would be sure to examine me, how I had kept my Oath; upon which, if my Father Confessor did judge, that I had not so truly kept the same, as I ought to have done, then must I have taken the same Oath over-again. Besides, my Ghostly Father did frequently teach me how to make use of Equivocations and mental Reservations.

First, How to defend myself against the Protestants, if I were asked by a Stranger, Whether Mr. *Rushton* were a Priest? that then I might lawfully deny it; or, upon Oath before a Magistrate, I might positively deny my Knowledge of *Rushton* to be a *Popish* Priest: But then I must privately to myself make use of this Equivocation, "That I did not see the said *Rushton* take his Orders beyond Sea; therefore could not swear him to be a Priest." And then followed the Benefit of Absolution for this or any other Service done for the Good of the *Romish* Religion.

And indeed my Penance in Confession was once enjoined me by Father *Rushton* to lash myself with a Cat-of-nine-tails, because I did not deny with

with Affeuerations, to one Mr. *Burman*, that he was no *Popish* Priest; although I did not confess the same to Mr. *Burman*, yet he alledged, that I did it but faintly, and therefore that should be my Penance.

Secondly, If reproach'd by the *Protestants*; "that they of the *Romish* Religion made no Conscience to destroy those that were of contrary Opinion to them;" that then with Imprecations I might lawfully deny the same; only making use of this Reservation to myself, that I must deny any Thing which is against the Interest of the Church.

Thirdly, That since the Discovery of this *Popish plot*, if I did at any Time hear the *Protestants* discourse, that they of the *Romish* Church did teach the murdering of Kings and Princes, and that the King was to have been murdered by the *Papists*, that then I must vindicate the *Romish* Religion, arguing, that such Doctrine the *Papists* held not, with Reservation to myself, that I must not own such a Design, unless effected, believing that *Protestants*, being Hereticks, had no Power to examine me, neither was I oblig'd to answer directly to the Question.

The Ceremonies, Manner, and Form used in the taking of the said Oath of Secrecy, is thus ;

AT the Chappel Door, did sprinkle myself with Holy Water, and then went into the Chappel, where, bowing towards the Altar, I made the Sign of the Cross, and said, *Sprinkle me with Hyssop, and I shall be cleansed ; wash me, and I shall be whiter than Snow ;* Then kneeling, I made the Sign of the Cross, and said, *In the Name of the Father, and of the Son, and of the Holy Ghost, Amen.* After that, I said certain Prayers used before Confession ; and, at the Conclusion, made again the Sign of the Cross ; which being ended I went into the vestry, where, kneeling, I asked my Ghostly Father's Blessing, as Children usually do their Parents. Then, after that, I made again the Sign of the Cross, and then had the Benefit of Confession, and Absolution from my Sins, and then I went into the Chappel, and said Prayers before Receiving the Sacrament.

But when Mass was said, I did not communicate with the rest there present, although the Sacrament was consecrated for me ; but, after the rest were gone, then *William Rushton*, my Ghostly Father, called me to the Altar, where, bowing my Body and kneeling, I made the Sign of the Cross ; then I kiss'd the Mass-Book, and laid my



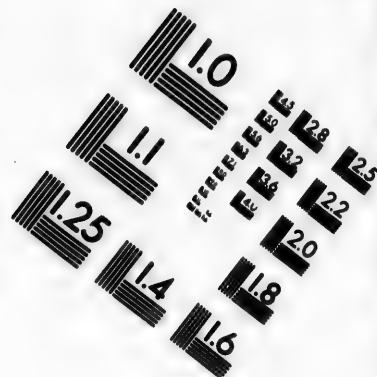
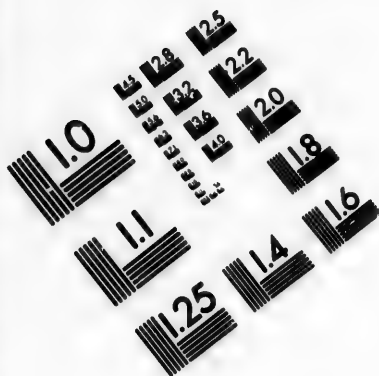
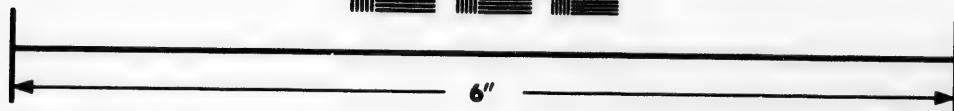
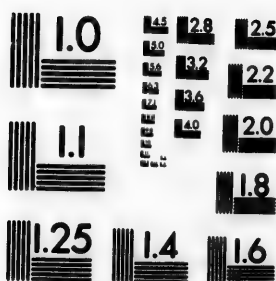


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Right-Hand upon it, and so had the *Oath of Secrecy* given me by my Ghostly Father, *Rushton*, repeating it after him. But at these Words, *In Testimony whereof I do receive this most Holy and Blessed Sacrament of the Eucharist*; *Rushton* put the Sacrament into my Mouth, and said this little *Latin Prayer* following :

Corpus Domini nostri Jesu Christi custodiat animam tuam in Vitam eternam. Amen.

Then again I kiss'd the Mass-Book, held in the priest's Hand, but held my Hand on the Mass-Book all the Time I was taking the Oath afore-said ; and, after that, rising, bowed my body to the Altar in an humble Manner, and so returned to my Place again

Now, after I had taken the said *Oath of Secrecy*, *Rushton* went again into the Vestry, to say his Prayers on his *Breviary* ; but I continued still in the Chappel to say my Prayers used after the taking of the Sacrament. Then, after *Rushton*, my Confessor, came-forth out of the Vestry, he went towards his own Chamber, whither I followed him ; but, Sir *Thomas Gascoigne* hastily calling the said *Rushton*, he laid-down his *Breviary* in his Closet, to which was no door, and is situate near his Chamber ; which said *Breviary* I taking up, found therein the said *Oath of Secrecy* ; of which Oath I had a sufficient Time to take a true Copy, and it

is the real Copy which is before recited ; although when I took the Copy of the said Oath, I never intended that any *Protestant* should have seen it.

The same Day were hallowed for myself two Pistols, which were to be made use of, for the Destruction of the *Protestant* Party, if the *Roman Catholick* Religion had prevailed in *England*.

There were also Swords, Guns and Pistols hallowed for *Thomas Gascoigne*, Esq; and others engaged in the *Popish Plot*. And in the said Month of *February*, I had an *Indulgence*, or *Pardon* for *Thirty Thousand Years*, given me by the said *Rushton*, my Ghostly Father, for my Encouragement in my Proceedings of being so zealous against his Majesty and Government ; and the Penance enjoined me was, to say every Day a *Litany*, for the Intercession, and Conversion of *England*; but, if I did twice a Day say the said *Litany*, then should I each Day redeem a Soul out of *Purgatory*, But I have heard my Ghostly Father say, that some *Catholicks* had their *Indulgencies* for *Fifty Thousand Years*, others a *Plenary Indulgence* to encourage them to be firmer to this Design. Such a *Plenary Indulgence* I did see in the Hands of *Mr. Mowbray*, about the latter End of *January*, 1676-7. And the *Litany of Intercession* for *England* is as follows ;

The LITANY of Intercession for ENGLAND.

LORD have Mercy on us,
Christ hear us,
Christ have Mercy on us,
Lord have Mercy on us,
O Christ hear us,
O Father of Mercy, and God of all Con-
 solation.
Have Mercy on England.
O Son Redeemer of the World, and of all
 Things in Heaven and Earth, the Pacifier,
Have Mercy, &c.
Holy Mary, Mother of God, and Mother of
 Mercy,
Pray for England.
Holy Mary, who hast destroyed all Heresies,
pray, &c.
Holy Virgin of Virgins, famous in *England* for
 many Miracles, *pray, &c.*
St. Michael, Prince of the Church, *pray,*
&c.
St. Gabriel, privy to the Mysteries of God,
pray, &c.
St. Raphael, faithful Guide of Travellers,
pray, &c.
Holy Angel, Prince of *England,* *pray, &c.*
 St.

*St. John Baptist, Master and Form of Pen-
ance, pray, &c.*

*All Holy Patriarchs and Prophets, Friends of
God and Preachers of Truth, pray, &c.*

*St. Peter, Pastor of Sheep, and Prince of the
Apostles, pray, &c.*

*St. Paul, Doctor of the Gentiles in Faith and
Verity, pray, &c.*

*St. Andrew, Friend and Lover of the Cross;
pray, &c.*

*All Holy Apostles and Evangelists, and spe-
cial Increasers of Christianity, Faith and
Unity, pray, &c.*

All Holy Innocents slain for Christ, pray, &c.

St. Stephen, pray, &c.

St. Lucius, King, pray, &c.

St. Alban, pray, &c.

St. Amphibale, pray, &c.

St. Sophias, pray, &c.

St. George, pray, &c.

St. German, pray, &c.

St. Coleman, pray, &c.

St. Kylian, pray, &c.

St. Adrian, pray, &c.

St. Ethelred, King, pray, &c.

St. Tancon, pray, &c.

St. Isenger, pray, &c.

St. Edmund, King, pray, &c.

St. Edward, King, pray, &c.

St. Thomas of Canterbury, pray, &c.

All holy Martyrs of *England, Scotland, and Ireland, pray, &c.*

St. *Fugatius* and *Damianus, pray, &c.*

St. *Gregory* and St. *Augustine, pray, &c.*

St. *Ethelbert, King, pray, &c.*

St. *Patrick* and St. *Columbe, pray, &c.*

St. *Pethno* and St. *Cuthbert, pray, &c.*

St. *Furseus* and St. *Malachy, pray, &c.*

St. *John* and St. *David, pray, &c.*

St. *Brandon* and St. *Fiaker, pray, &c.*

St. *Archibald* and St. *Macarius, pray, &c.*

St. *Marianus* and St. *Alexander, pray, &c.*

St. *Bennet, St. Boniface, and St. Bede, pray, &c.*

St. *Dunstan, St. Henry, and St. Robert, pray, &c.*

St. *Richard, St. Roger, and St. Hugh, pray, &c.*

St. *Gilbert, St. Lanfranch, and St. Anselm, pray, &c.*

All Holy Bishops, and Confessors, of *England, Scotland, and Ireland, pray, &c.*

St. *Helen, Queen, St. Ursula, and St. Agnes, pray, &c.*

St. *Bridgit, St. Buryen, and St. Tecla, pray, &c.*

St. *Agatha, St. Mechtil, and St. Maxentia, pray, &c.*

St. *Christine* and St. *Winifred, pray, &c.*

St. *Ethelred, Queen, and St. Margaret, Queen, pray, &c.*

All

All Holy Virgins and Martyrs, of *England*,
Scotland, and *Ireland*, pray, &c.

All Blessed and Holy Saints of Places, pray,
 &c.

Be merciful, Spare England Good Lord.

Be merciful, Hear us O Lord.

From all imminent Perils of Sins, and Back-
 slidings,

Deliver England, o Lord.

From the Spirit of Pride and Apostacy, *deliver*,
 &c.

From the Spirit of Ambition, *deliver*, &c.

From the Spirit of Rebellion, *deliver*, &c.

From all Hardness and Blindness of Heart,
deliver, &c.

From all Surfetting and Drunkenness, *deliver*,
 &c.

From the Desires and Liberty of the Flesh,
deliver, &c.

From Hatred, Contempt, and Neglect of
 sacred Things, *deliver*, &c.

From prophaning of Churches, and from all
 Sacrilege, *deliver*, &c.

From the Tyranny and Cruelty of Hereticks,
 which it now groans under, *deliver*, &c.

From wicked and pernicious Councils, *deliver*,
 &c.

We

All

*We Sinners, O God of Pity, do beseech Thee
to hear us.*

That thou wouldst direct the *Pope's Holiness*,
and all Prelates, to pacify and govern the
Church.

O Lord, we beseech thee hear us.

That thou wouldst be pleased to bring again
into this Kingdom the antient Catholick,
Apostolick, and *Roman Faith*, *O Lord*,
&c.

That thou wouldst put into the Hearts of
all *Christian Kings and Princes*, Unity,
Peace, and Concord; and that their fer-
vent Zeal may be stirred up, to put
their helping Hands to reduce it to the
Obedience of the Holy See of *Rome*,
O Lord, &c.

That thou wouldst comfort, and fortify, all
such as suffer Imprisonment, Loss of Goods,
or other Affliction, for the *Catholick*
Faith, *O Lord*, &c.

That neither by Frailty or Enticements, or
any Torments, thou permit any of us to
fall from thee, *o Lord*, &c.

That thou wouldst give us perfect Patience
in our Afflictions, and to make Ghostly
Profit of all our Miseries,

o Lord, &c.

That thou wouldst mercifully hasten the Con-
version of *England, Scotland, and Ireland*;
from

from the Infection of Heresy and Infidelity,
o Lord, &c.

That thou wouldst deliver and keep in these Times of Persecution, the Pastors of our Souls, from the Hands of their Enemies,
o Lord, &c.

That thou wouldst daily augment in them the Fire of thy Love, and the Zeal of gaining Souls,
o Lord, &c.

That thou wouldst preserve all the *Catholicks* of this Land in Holiness of Life, and from all Manner of Sin and Scandal,
o Lord, &c.

That thou wouldst so adorn us with Holiness of Life and Conversation, that our Enemies seeing our good Works, may glorify thee our heavenly Father,
o Lord, &c.

That thou wouldst reduce from Error, and Heresy, our Parents, Friends and Benefactors, whom thou hast so dearly bought with thy precious Blood,
o Lord, &c.

That thou wouldst illuminate the Hearts of all Schismaticks, which live out of the Church, to see the grievous Danger of their Estate,
o Lord, &c.

That thou wouldst mercifully look-down from Heaven, upon the Blood of so many Martyrs, as have given their Lives to convert us unto thee,
o Lord, &c.

Jesus

*Jesus Christ, Son of God, and of the Virgin
 Mary, We beseech thee to hear us.*
*Jesus Christ, Saviour and Redemer of the
 World We beseech, &c.*
*Lamb of God, that takest away the Sins of
 the World, Spare us, o Lord.*
*Lamb of God that takest away the Sins of
 the World, Hear us, o Lord.*
*Lamb of God that takest away the Sins of
 the World; Have Mercy on us.*

Lord have Mercy, *Pater noster, &c.*
 Christ have Mercy, *Et ne nos inducas, &c.*
 Lord have Mercy, *Sed libera nos à malo.*

About the latter End of *October*, or the
 Beginning of *November*, 167, my Occasions
 called me to *Leeds-Market*, within four Miles
 of my Habitation, and a Market that I fre-
 quently used : After my particular Business was
 done, my Curiosity led me to go, as usually I did,
 to a Coffee-House ; where, amongst other News
 and Reports, I heard that one Sir *Edmundbury
 Godfrey*, a Justice of Peace at *London*, was
 missing, and that it was suspected and feared,
 that he was murdered, or made-away, by the
Papists.

At my Return home, I repaired to Sir
Thomas Gascoigne's House at *Barmbow*, one
 Quarter

Quarter of a Mile from my House, and there meeting his Son *Thomas Gascoigne, Esq;* I acquainted him with the News I heard at *Leeds*.

Who thereupon took a Letter out of his Pocket directed to himself, which he shewed me; which Letter was subscribed *I. Corker*, wherein he acquainted the Esquire in Words to this Effect: *That Sir Edmundbury Godfrey, had been a very busy Man, and a great Enemy to the Catholicks; therefore they had procured him to be destroyed.*

And some few Days after we had the same Thing confirmed in Print, *viz. That he was murdered.* Upon which, my Ghostly Father *William Rushton*, sent for me, to come to Mass at *Sir Thomas Gascoigne's House*; and at Confession, did charge me to give-out. *That I heard, that Sir Edmundbury Godfrey was a melancholy Gentleman, and in a Discontent went into the Fields, and there murdered himself with his own Sword.*

Which accordingly I did, as Occasion offer'd, in all Companies I happened into; but was contradicted by many; and by some, that it could not be, for, that his Neck was broke, which he could not do after he had murdered himself; nor be capable to do it, if his Neck was broke before: And, being thus run-down in my Assertions, I acquainted my said Ghostly Father,
William

William Rushton, therewith, who told me, he had received new Instructions, which he shew'd me in Writing, and were to this Effect :

That Sir *Edmundbury Godfrey* was a Gentleman who had often attempted to destroy himself; that he did really hang himself in his own Silk-girdle, in his Chamber at the Bed's Feet : which being discovered, two of his Servants acquainted his Brothers therewith; who, coming thither, contrived his taking-down, and the carrying him to the Place where he was found; where they run his Corps through, on Purpose to throw it on the *Papists*, thereby to save the Estate to themselves, and from being forfeited to the King: And that the two Servants had *Fifty Pounds* a-piece given them to keep it private. He also said, that one of them, which was a Maid-Servant, did offer to discover this Contrivance to his Majesty and Council, but that she was by them rejected: Nevertheless, for all this, at the same Time, *Rushton* did own to me, that he was murdered by the *Papists*, but by what Hands he knew not; and further, he seemed much concerned that it was done; wishing it had never been done, because it would make the Murder of the King the more difficult to be performed.

Robert Bolron.

R O M E

A GREAT

Custom house for Sin.

OR,

A TABLE of the *DISPENSATIONS* and *PAR-
DONS* for Villainies and Wickednesses of various
Kinds, &c. With the several Sums of Money
given, and to be paid for them.

THE FIFTH EDITION.

BY ANTHONY EGANE, B.D.

Sometimes Confessor-General of the Kingdom of
IRELAND, who was both a Spectator of, and
Actor in, those horrible Abuses, before his Conversion
to the Protestant RELIGION.

And now Reprinted for the Benefit of such, as either
have themselves, or would induce others to have,
too favourable Thoughts of *POPERY*.

To which is now added an earnest Dissuasive from
Romish *Idolatry* and *Superstition*: wherein other
Gross *Enormities* are clearly detected.

L O N D O N :

Printed for JOHN MARSHALL, at the Bible in *Gracechurch-
Street*, JOSEPH MARSHALL, at the Bible in *Newgate-
Street*, and FERD. BURLEIGH in *Amen Corner*. 1715.

TO THE READER.

THE following TABLE having been formerly published by one, who a great Part of his Life, wandered in the dark Mists and Fogs of POPERY; and was (as he himself assures us) both a Spectator of, and Actor in, those horrible Abuses, which he there exposed to public View: now ventures to come-forth again, in Hopes of producing the same good Effects, which the Author, (come to himself) proposed in its first Publication.

I think it can never be unseasonable to expose a Religion so destructive of the Peace and Happiness of Societies; so derogatory to the Glory of God; so contrary to the main End and Purpose of Christianity; and that persecutes with such an unrelenting Barbarity (where it can) those that have the Courage and Honesty to oppose its Innovations.

There is therefore, in this Edition, added, by way of APPENDIX, an Earnest Dissuasive from POPERY, as a farther Antidote against the Poison of its pernicious Principles and Practices.

Take

*Take in good Part, Reader, what is here
offered thee; and, if in any thing thou shalt
receive Satisfaction and Advantage, let God
have the Glory, and the Editor thy Prayers.*

*n formerly
his Life,
POPERY;
h a Spec-
e Abuses,
iew: now
es of pro-
e Author,
ublication.*

*to expose
eace and
ry to the
End and
persecutes
where it
Honesty*

*, added,
issuasive
against
les and*

Take

THE

THE AUTHOR'S
P R E F A C E.

I HOPE you (*that read this*) will be so charitable as to believe it is neither Gain nor Advantage hath invited me to lay-open this Warehouse, and thus to publish the Merchandize of the Popish-Market; nor any hope thereby of supporting my own Interest (since I know well enough how many Enemies a Work of this Nature will make me among some Men) it being only to let the World see that the Abuses that were long since discovered in the Pope's Dispensations, are yet still in being; as is visible enough by the Rules and Impositions of their Chancery, being neither imaginary, nor yet forged upon the Anvil of Malice, as some Persons will be ready to persuade those poor Souls, who never had any Knowledge of the Corruptions of the Court of *ROME*, nor of the Nature of its Traffick. A great Part of these Papers I cannot command at present, by reason of my Absence from my native Country, or else I would have inserted them all; which would have farther laid-open their abominable Practices; though perhaps this may be sufficient (if not too much) in so nauseous a Subject. The Papists, without doubt, will disown it, and say that this is a mere Fiction, and that such Things are not practised in their Church: but I am ready to prove, by my own Knowledge and Experience, all I here alledge to be true, and able to make good, that, as all the Arts of Man could not have
invented

invented more gross or villainous Sins than the Popish Clergy do put to Sale; that none but those Shrine-makers who maintain their wordly Pomp and Greatness by such Handicrafts, could have invented such a Way of wiping out Sins so destructive to a good Life, and the main Design of the Christian Religion; so if you will but examine, and seriously consider the Particulars, you will easily be convinced that none but themselves could be the Authors of it. I can safely say that there are Hundreds even of the ordinary Priests, that know not what it Means, because that these *Arcana Imperii* are always kept close from them, and reserved on purpose for certain Persons called Apostolical Pœnitentiaries, to whom the Absolution of particular and heinous Sins is committed; (as it was to myself in *Ireland* within these few Years) and of such Persons, there may be one or two in every County or Diocese, who, before they receive that Power, must take an Oath of Secrecy never to reveal the Mysteries of their Church, but to keep them from the Knowledge not only of the Laity, but also of the ordinary Priests and Friars, and especially from any Man that is suspected to be of so acute Parts, or of so much Learning or Honesty as might make him scruple their Authority: And neither may it perhaps have come to the Knowledge of some half-witted Fellows, who, either for Lucre, or Liberty, neither stick to the one Religion nor the other; of which Sort of People we have divers amongst us in this Kingdom, whose Names are not worth the mentioning by either Party; but as to those Sins commonly called *reserved Causes*, if any Man shall acknowledge himself guilty of any such, in Confession to an ordinary Confessor, he can

only tell him where the Pope's Bankers reside, who are to absolve him, and will gladly receive him, so he bring with him the Price of his Sin, and this great Pœnitentiary is thereupon to procure a BULL of Indulgence and Pardon for all wicked Persons offending in the Causes here set-down, and divers others.

I would have said more upon this Subject, and set-forth more of their Cheats and Artifices; but I hope, within some Time, to be at more Leisure, and to have better Opportunities of setting-forth their Pranks and Policies to the View of the World.

I shall now only beg of you to assist me with your Prayers for the Conversion of those Miscreants who have so highly deserved God's just Indignation; since there is no greater Sign of his Anger, than when he strikes Men with such Blindness of Understanding, that they take for Oracles whatever the Juggling Priests have invented for their own unlawful Gain, and, as it were, make a Mockery of God himself;—Men, who can scarce be believed to have any Hopes, or Thoughts, of a Life after this. I humbly submit this Treatise to the Judgement of the kind Reader; and, if he think the Pains I have taken may any way serve to demonstrate to the World the Enormities of the Court and Church of *ROME*, and perhaps convert some that are drunk with its Cup of Abomination; I shall then rest satisfied that I have not ill employed my Time. I pray God to continue amongst us the Purity of his Gospel, and preserve our Clergy from the Sin of Covetousness, that spiritual Idolatry, which first debased the Church of Christ from its primitive Purity; that so we may more effectually convince, if possible, those poor deluded Creatures, who are sold as Slaves to this Successor rather

rather of *Simon Magus*, than *Peter*, and unveil the
Darkness of his Kingdom; which God of his infinite
Mercy and Goodness grant, according to the hearty
Prayers of

Your Servant, in Christ,

ANTHO. EGANE.

CERTAIN
Decreed Impositions
OF
The Chancery Court
OF THE
Church of ROME.

Of Marriage.

IMPRIMIS,

	£.	s.	d.
T HEY that Marry in the fourth Degree, must pay for a Dispensation the sum of	02	04	00
They that have committed Fornication in the Fourth Degree, notwithstanding their Consanguinity which they well know, shall pay — — —	30	00	00
For legitimating of Children that shall be born of a Conjunction in the fourth Degree	19	00	10
Those that have contracted Matrimony in the fourth Degree, and being ignorant of their Consanguinity, and after being sensible of their Relation, having carnally accomplish- ed their Marriage, must pay for their Dispen- sation — — —	27	00	06
They who have carnally sinned in the fourth Degree, being ignorant of their Consanguini- ty, their Dispensation is — —	16	00	06
For such as have been sensible of their own Consanguinity in the fourth Degree, and nevertheless contracted in Marriage, tho' not consummated, their Dispensation is —	39	00	10
			But

But if that Marriage be consummated and carnally accomplished, you are to agree with the Prelate, for legitimating of such Children as were born before a Divorce given by the Ordinary, at the request, or unanimous consent of both Parties; the Dispensation is 09 00 10

A Marriage in the fifth Degree.

Whether it be of Consanguinity or Affinity, is dispensed for the Sum of 40 00 04

Besides the gratifying of the Prelate for a Marriage in the second Degree, whether it be for Consanguinity or Affinity, the Pope himself or his particular Emissary, is to give the Dispensation for — — 100 15 06

The Dispensation of Marriage in the first Degree of Affinity, is made only in Conscience, yet you are to pay, or according to the ability of the Party — 1000 02 06

A Dispensation for Gossips.

FOR such as are of a Spiritual Affinity and shall be contracted in Marriage 17 00 09

In all other Causes belonging to Gossips, none but the Pope or his publick Penitentiary *sede vacante dispensis jur.* — — 59 00 03

If an Adulterer or a married Man seeks his Wife's Destruction, he cannot obtain any Dispensation to marry another: but, if he hath contracted Marriage, and that the Matter be kept secret, he is to be dispensed-with in Conscience; but he shall pay — 36 01 00

If a married Man attempts to kill his Wife, and effects it not, and hath not promised Marriage to another, he may have a Dispensation to marry another, after the Death of the first for — — 29 02 09

If a married Man before the Death of his married Wife, marries another being ignorant of the first Marriage, if it so happens that the first Wife dieth, he shall take to him the second, provided the Ceremony of Marriage be

renewed ; and he cannot be Divorced, without the consent of his Wife, who was ignorantly Married, or contracted, unto him before, and then the Dispensation shall cost — 19 02 09

If a Man who has been a long while absent, supposeth that his Wife is dead, and he Marrieth another, and liveth with his second as with his married, during the time he supposed his former to be dead : But if his first Wife shall happen to come again, he shall forsake the second and live with the first ; but he shall pay for his Transgressions — 29 02 09

A Dispensation for such as have Vowed Chastity during life is given only by the Pope or by some extraordinary great Prelate ; but it shall cost — 16 05 06

He that hath Vowed to be a *Monk*, so that the Vow be not solemn, he may be dispensed with according to Conscience for — 15 04 01

But, if in his Dispensation be added this Clause, "that if this Wife die, he shall be obliged to keep his Vow," yet he may have a Dispensation to marry again for — 27 03 06

If a man who hath taken Holy Orders (provided it be kept secret) happens to Marry, he may have a Dispensation for keeping his Wife as long as she lives, provided that he shall not Marry again after her decease ; only he shall say his Divine Office upon Festival Days, and that by way of Satisfaction, and he must also pay for his Dispensation — 35 04 00

The Dispensation for Jews.

A Dispensation for a *Jew*, for having a Synagogue in his own House, shall cost 300 01 06

For Erecting a new publick Synagogue must be paid — 603 15 00

A *Jew* that will be authorized to practise Physick, or Chirurgery, with the Clause of Assistance, must pay — 60 15 00

Dispensations

Dispensations on the Age of those that take Orders.

A Child at six Years old shall pay for his Clerkship, and first Matriculation	19	02	04
A Youth of sixteen shall pay, for his being made Sub-Deacon, the Sum of	—	22	03 05
At seventeen Years	—	16	02 00
For being made Deacon at the age of eighteen	—	32	00 00
At nineteen for the same	—	16	00 00
For being Ordained Priest at two and twenty	32	02	00
At four and twenty for the same	—	16	00 00

To take Orders, where, when, of whom, and in what number, one pleaseth.

T o take Orders from any other but his own Bishop, the first Clerkship and the four small Orders is	—	14	01 00
To take, according to a Man's Will, one, two, or all the Orders, must be paid	—	32	02 10
For taking Orders, except in <i>Ember week</i> , is	—	10	02 10
For taking Orders from such as have Authority to use Benediction from an Abbot	34	02	00
From a Bishop	—	24	00 00

Dispensation for such as are Defective, or bewitched, in any of the Members of their Bodies, in order to take Orders.

F OR a Man that wants any Member of his Body, if he takes Clerkship, as to the four small Orders	—	36	02 00
For him to be admitted to Orders of higher degree, must be paid the Sum of	—	46	03 00
If he hath lost one or more of his Fingers, a Dispensation for holding a Benefice shall cost him	—	52	03 06
But if he hath almost lost his left Eye, he must pay	—	40	00 00

Yet with a Proviso, that he holds his Book, or a sheet of Paper containing the Canon of the Mass, on the Middle of the Altar; but if he hath lost both his Eyes, or one of his Stones, he must pay — 56 02 00

But if he be deprived of all his Privy-members, he must pay — 112 03 06

For such as have taken Orders legally as they ought to have done.

FOR those that shall take Orders under Age, the Dispensation shall cost 07 02 03

For the Irregularity of one that hath taken Orders from any other Bishop but his own Diocesan, without leave from his Prelate, must pay for his Dispensation — 07 02 03

If a Bull carries a Retention of a Benefice, the Dispensation shall cost — 13 03 08

For him who hath taken Orders unlawfully, it will cost — 07 02 03

And if there be a Retention of a Benefice, he must pay — 13 03 08

For a man who by the Collection of a full Tenth, was admitted into Orders, that is to say, without taking or bringing Credible Witnesses to aver the Truth, his Dispensation shall cost — 07 02 02

For one who by express Orders, renounceth the Orders of a Deacon, or Sub-Deacon, which were before conferred upon him, he is to pay — 12 03 07

He that in one and the same Day hath taken two, or more Orders, to the end he may immediately officiate, shall pay for his Dispensation — 06 02 06

Dispensations for such as are employed in the Service of the Church without taking Orders.

IF any one being neither Deacon nor Sub-Deacon, exercise such an Office, he must pay — 12 03 06

And

And if he hath a Bull for a Benefice, he is
to pay — — — 18 04 09

If any one who is not a Priest shall take
upon himself to say Mass, or to Administer
the Sacraments; if he intend to take Orders
afterward, his Dispensation shall cost 36 09 06

Dispensations for Bastards.

FOR admitting a Bastard after the old man-
ner to holy Orders; and to capacitate
him to hold a Living, wherein is a Cure of
Souls, he pays — — 05 01 01

And if that the Clause of empowering him
to change his Benefice be added, he is to pay 07 07 03

If a Bastard, knowing himself to be so, af-
terwards shall take Orders, he must pay 07 07 03

If he change his Benefice, he is to pay 06 02 00

If he changeth two, he is to pay — 12 04 00

If three — — 18 04 06

But if he officiate in the Behalf of his Fa-
ther, present or absent, he must pay 07 02 09

And if he be a Bastard found by chance, he
pays — — — 06 02 00

Dispensations for Monks' Bastards.

Dispensations Prized.

FOR a Mendicant's Bastard turning Monk,
his Dispensation is — — 06 02 03

For a Mendicant to be made Provincial of
an Order, or first Guardian, or capacitated to
any other Dignity: If Monks that have Re-
venues, and not Minors or Mendicants, they
may have a Dispensation for as high as an
Abbot, for — — 01 01 00

Dispensations

Dispensations for such a Person as was once Married, and at the second took a Virgin to his Wife.

FOR a Man who hath been once Married,
 he may after her decease be admitted in-
 to Orders, paying for his Dispensation 06 02 00
 And, if he will enjoy Privileges, he must pay 02 09 09

Dispensation for Persons that have had two Wives.

A Man that hath been twice married shall
 be admitted to his first Clerkship, or to
 the four first Orders, paying for his Dispen-
 sation — — — 12 03 04

For the Apostolical Chamber.

BUT if in his Bull is added this Clause, if
 he chance to Marry again, he shall pay 18 04 09

And if the Bull contain this Clause, if it
 happen he hath already had two Wives and
 that he shall marry the third, he shall pay 06 04 08

And if this Bull for a Man that hath had
 two Wives and is a Widower, dispenses with
 him to have or to keep one simple Benefice,
 he shall pay, besides the aforesaid Tax, 24 06 00

He that being married, and conceals that
 he had two Wives, and yet takes his first
 Clerkship, must pay — — 21 03 06

A Knight that hath had two Wives, and
 after being a Widower, if he enters into the
 four first Orders, he shall pay for his Dispen-
 sation — — — 12 03 00

A Man having had two Wives, having al-
 ready procured his Dispensation from the
 Pope, to enter into Orders and to officiate the
 Place of a Canon, may yet have a Faculty for
 two equal Benefices, paying only — 24 06 00

Pardons

Pardons and Dispensations for Soldiers.

HE that being a Soldier for the Catholick Cause, and neither kills nor wounds any in War, nor causeth any to do it, is to pay — — — 36 09 00

All Priests who have assisted at the Judgment, or given their Advice in Writing in any Criminal Cause, shall pay each Person 36 09 00

If any Man shall strike a Clerk or Priest, he shall pay the full Sum of — 06 02 03

But if an Abbot or Prelate, it must be 12 03 06

If any Man shall strike a Bishop, or such an extraordinary great Prelate, it must be 24 06 00

Dispensations for Wounding Persons.

HE that Wounds any one of the Clergy in any of his Members, his Pardon and Dispensation shall cost — 18 04 09

But if it be a simple Pardon without Dispensation it will cost — — 06 02 00

He that Wounds an Abbot or Principal Person of any Order, must pay — 06 00 00

If a Bishop, it shall be — 12 00 00

But if one Lay-Man Wounds another, he is Pardoned for — — 00 00 06

Dispensations for Murders or wilful Homicides.

A Murderer having taken his first Orders, can have a Dispensation for holding one simple Benefice; and, if that be not sufficient, he may have two or three; hiring his Pardon for the Murder he hath committed, for 12 05 06

But, if he will have the Privilege of the Clergy, he must pay — 18 04 00

If it be with the Inhibitory Clause, it will cost — — 30 07 06

To

To have a Dispensation for holding three Benefices, except the Bull runs so that he may hold as many Benefices as he stands in need of, he is to pay — — 01 18 02

But if he hath the Bull to his advantage, he pays — — 24 06 00

But, if a Person, being wounded, dyeth not of the Blow that he hath received, but thro' want of good Attendance or the like; or, if he that gave the wound intended not to kill him; he may have a Dispensation for the Order of Priesthood, and hold Ecclesiastical Benefices, for — — 36 09 00

The Dispensation of a Murder perpetrated by a Bishop or Abbot; or by the chief of an Order or Knight, it shall cost — — 50 12 06

If a Friar, or Guardian of a Monastery, kills a Man, it will be — — 40 09 00

A wilful Murderer, having already taken Orders, was before dispensed-withal to sing a *Hail Mary* in the Church; if he has Power impowered to hold an Ecclesiastical Benefice, he is to pay — — 36 09 00

But if there be many accessory to the Murder, every two are to pay amongst them — — 50 12 06

If one be found guilty of many Murders, in the same Time and Quarrel; he is to pay for his Dispensation — — 36 09 00

If in several Quarrels, he must pay double — — 50 12 06

For an Ordinary Man who hath committed Murder, is rated at Will, according to the Circumstances of the Place, &c. Time, and as the Prelates shall think fit.

Dispensations for accidental Murders.

For a Clerk.

IF one would have a pardon, *ad Cautelam* as they term it, it will cost — — 18 04 09

If he that hath killed a man, did use his Endeavours

Endeavours to avoid it, but was forced to
the Fact in *se defendendo*, he shall pay but 36 07 06

If a man happen to be Murthered acci-
dentally, the Murtherer is to pay for his Dis-
pensation — — — 09 03 06

If a Clerk of the Church hath killed one
in his own Defence, he must pay for his Dis-
pensation — — — 06 02 00

And if the Clause of Assistance be in it, it
will cost — — — 12 04 00

If it be for a Cautela, or for Assurance for
the future, he shall pay — — — 21 04 06

But if it be with the Inhibitory Clause,
its price is — — — 36 09 00

For a Murder perpetrated in the Defence
of another, a Dispensation for saying Mass,
for — — — 30 07 06

Dispensations and Pardons for Bishops or
Abbots, or such Prelates; for wilful Murders,
are — — — 50 12 06

For Priests and ordinary Clergymen 40 10 00

For Murtherers of Priests.

A Lay-Man, having murdered a Priest,
shall be pardoned for — — — 06 02 00

A simple Clerk, or Priest, or one who hath
taken Orders, shall pay, if he be interdicted
from exercising his Function, — — — 06 02 00

If there be a Rabble, or a number of
People, when a Murder is committed, the
Chief shall pay a whole Tax, and the rest
half.

If one Man in the same Time kills more
than one Priest in the same Quarrel, he must
pay for his Pardon — — — 06 09 03

But, if he hath killed many Priests at se-
veral Times, he shall pay a whole Tax to the
first, and a half for the rest.

If he who hath killed a Priest desires to be
pardoned, and would change his publick
Penance to a private, he shall pay — — — 18 04 06

He

He that kills a Bishop or any other Prelate,
must pay — — 36 09 00

He that having killed a Priest, if he holds
his Benefice, must pay for his Dispensation 02 02 00

Dispensations for such as have killed Lay-Men.

FOR murdering a Lay-Man, the Dispen-
sation is — — 03 02 04

But if one hath killed many Lay-men in
one Quarrel, he is taxed but for one, and his
Dispensation is according to the Confessor's
Discretion — — 04 01 08

Dispensations for Parricides.

MURthers committed on the Persons of
Father, Mother, Brother, or Sister,
each Person's Dispensation will cost — 04 01 08

If any Person killed or murdered his own
Wife, it shall be rated as that of Parricide,
viz. — — 04 01 08

And if he who hath murdered his own
Wife and marrieth another, his Dispensation
is — — 08 02 09

And if those who have assisted the Hus-
band in the Murthering, are included in the
Pardon or Dispensation, the Tax is 02 00 00

*Dispensations for such as have killed their own
Children.*

IF either Father or Mother, Sister or Bro-
ther, do strangle or smother an Infant,
they are to pay — — 04 02 00

But if a Stranger that hath murdered an
Infant, he pays as far as a Lay-man, viz. 03 02 04

But if the Father and Mother do strangle
the Infant of an unanimous Consent, they
must pay — — 05 02 00

Dispensations

Dispensations for Women that Miscarry.

SHE that takes any Potion to destroy the
Fruits of her Womb, or the Father who
causeth his Wife to take the same, they are
to pay — — — 04 01 08
But if a Stranger that giveth the Potion,
he shall pay — — — 04 01 08

Dispensations for Wizards and Sorcerers.

A Witch or Inchantress, at her Abjuration
made of her Sorcery and Inchantments,
shall pay — — — 06 02 00
And if she followeth the same Trade, after
Abjuration, she shall pay — — — 12 04 00

Dispensations for Hereticks.

A Pardon and Rehabilitation of a Here-
tick, drawn in an ample Form; with
the Inhibitory Clause before he had made
Abjuration, is — — — 36 09 00
If he be a Lay-Man, and that the Bull
containeth an Absolution of Infamy, he is
to pay — — — 12 03 06
And if the Inhibitory Clause be added, he
is to pay more — — — 12 00 00

*Dispensations for Church-Robbers, Thieves,
Incendiaries, Plunderers, Ravishers, Perjur-
ers, &c.*

A Pardon and Rehabilitation for any of
these Crimes, with the Inhibitory Clause,
will cost — — — 36 09 00
For Simony. A simple Absolution for a
Simonist, let him be either Secular or Regu-
lar, is — — — 36 09 00
But

But if the Dispensation be for Irregularity, and that it will capacitate the Person to receive Holy Orders, and to hold Church Benefices, he must add — —

06 02 00

And if the Dispensation be to officiate in other Benefices, besides those which he hath acquired by Simony, he is to agree with the Ordinary, and if the Simonist requires his Pardon, it is dispensed according to the Discretion of the Confessor; with an Authority to keep his Benefices which he got by Simony, whether he hath already obtained the Profits or no, with the clause *nullis* only, he is to pay — —

03 07 06

Dispensations for Carnal Sins, or for all sorts of Whorings.

A Priest, or Frier, having lain or carnally sinned with a woman of whatsoever sort or degree, whether a *Nun* or a Kinswoman, or a Relation, or with any other, whether married or single, whether within the bounds or Cloisters of his Monastery, or elsewhere; whether the Absolution be made in the Name of the Clergy or no; it gives him Power to exercise his Function, and to hold his Livings; and that together with the Inhibitory Clause, is only — —

36 09 06

A Dispensation for Buggery.

AND, if, besides this, there be an Absolution for Buggery, or for unnatural sin committed with Brute-Beasts, a Dispensation together with the Inhibitory Clause, will come to — — —

90 12 01

A simple Absolution for the sin of Buggery, or the Sin contrary to Nature, that is to say, with Brute-Beasts, together with a Dispensation and the Inhibitory Clause, is

36 09 00

A *Nun* having played the Whore very often *intrà aut extrà septa Monasterii*, is to

be

be absolved, and rehabilitated to hold the Dignity of her Order, for — — 36 09 00

An Absolution for one that keeps a Whore at Bed and Board, with a Dispensation to hold a Benefice, is — — 04 05 06

For all acts of Whoring, or such dishonesty committed by a Layman, he is to be dispensed with for — — 06 02 06

A Layman having committed Incest, is to pay — — 04 06 00

A Layman having committed Adultery, is to be absolved for — — 04 00 00

But if it be Adultery and Incest together, he is to pay — — 06 02 00

For the Adulterer and Adulteress together, is — — 06 06 00

Dispensations for Trespasses.

HE that buries the Body of an excommunicated Man in any Sanctuary, must pay — — 06 02 06

A Licence for Irregularity with power to enjoy a Benefice, is — — 09 02 00

And if he keeps all that he had already obtained, it is — — 12 03 09

For him that conceals the death of another, *Lucri Gratia* — — 09 02 00

A Priest having ignorantly said Mass in a prohibited Place — — 06 02 00

But if he knew the Place to be prohibited, and that the Prohibition was by the Ordinary, he is to pay — — 06 02 00

If by the Pope, he must pay — 12 03 06

A Priest having made a clandestine Marriage, and said Mass in the Presence of the married Couple — — 06 00 00

And every Layman that was then present — — 03 00 00

If any Man hinders the Execution of a Bull, or Apostolical Mandates, his Absolution will cost him — — 36 09 00

And every one of his Assistants must pay 12 03 00

A Merchant having brought Warlike Weapons among the *Saracens*, except he brings some profitable Goods back in exchange, he is to pay — — 12 03 06

But if he hath brought considerable Goods he is to agree with the Prelate.

If a Servant retains the Goods of his deceased Master for his Wages, after being advised to restore them, and will not, he is to be absolved for — — 06 02 00

A Bishop having sworn to take a Voyage to *St. Peter's* in *Rome*, and never performed, he pays — — 12 03 06

The Absolution of a spiritual Sentence of Excommunication given out by the Ordinary 06 02 06

But if the said Sentence hath been given out of the Apostolical Seat, it must be 12 02 06

Dispensations and Pardons for Irregularities.

AN Absolution or a Dispensation for Irregularity, is — — 05 13 00

And if there be a general Absolution for all Sins, it is — — 08 19 00

If the Irregularity hath been cause of giving of Judgment in some criminal Matter of Fact, and that there was not an Absolution for the Fact, but only an Absolution for Infamy, with the Inhibitory Clause, it is only 03 07 00

And if in the Bull be a Dispensation of Irregularity and License for a passing such Judgment afterwards as often as occasion did require; and also Authority for being Advocate in Criminal Causes, it will cost — 45 00 00

But if the Bull contains a general Absolution for all Sins passed, or for Sins not yet committed;

committed, and also for all sorts of Irregularities, it will cost — — 50 12 06

He that is guilty of Irregularity by reason of exercising the Profession of a Physician, must pay for the first Dispensation — — 56 09 00

And, if the Bull alloweth him a Permission to follow his Profession in the future, shall pay more — — — 05 02 06

Dispensations for Burtals.

AN excommunicated Person deceased, or one that died a violent Death, his Absolution shall cost his Friends and Relations 06 02 00

But, if the Body be buried in a Sanctuary, it will cost — — — 12 03 06

Dispensations for changing and moderating of Punishments.

A Simple Moderation of Banishment or perpetual Imprisonment, will cost 04 10 00

The Moderation of Banishment from ten to fifteen Years, will cost — — 36 09 00

Or if the Bull contains a Dispensation for Irregularity, and a Permission for exercising the Office of a Priest, it will cost — — 50 12 06

The simple Moderation of Banishment, or Imprisonment for ten Years, together with a simple Dispensation or Absolution of the Crime committed, will cost — — 25 06 00

And if the Bull contains a Clause of Assistance, it will cost, besides the foregoing Tax, 06 00 00

A Priest being suspended by his Ordinary from saying Mass, by reason of being troubled with the falling Sickness, must pay for his Absolution and Dispensation — — 06 02 06

And his Bishop is to give him License to say Mass, with a Proviso of being always assisted by another Priest.

Dispensation of Oaths.

THE Dispensation of an Oath or Contract being given, to the end that one may not be driven or expelled from his Occasions or Employments, will be had for 07 02 03

But if the Bull doth contain the Inhibitory Clause, together with an Absolution of Infamy, it will cost — — 56 09 06

And if many are comprehended in the same Fact, every one of them must pay 03 00 00

And if there be many Contracts for the same Thing and amongst the same Persons, for each Contract must be paid, besides the Ordinary Tax of the former — 03 00 00

A Dispensation for one that hath sworn to take his Degrees, in one University, and neglected his Promise, so that he could not get his Degrees, his Tax will be — 06 02 00

For an Oath that cannot be kept without incurring everlasting Damnation; as for example, a dishonest Vow, or some wicked Promise, the Dispensation will cost — 06 02 00

And you must take notice, that there is difference between the Tax of a Bishop, Abbot, or General of an Order, and the Tax of ordinary Men; for the Prelates are left to their Confessor's Discretion

Dispensations for the changing of a Vow.

A Man having vowed, but not solemnly, to take the Habit of some Order, or Religion, to the End he may change his Vow, he must have a Dispensation which is made in Conscience, it will cost but — 15 04 00

If a Man hath taken a Vow of Chastity solemnly, he is to have his Dispensation for not keeping his Vow, if need be, but he is to pay the Prelate the Sum of — 15 04 00
If

If any Man, after taking an Oath of entering into a religious Life, takes a Fancy to marry rather than to perform his Oath or proceed according to his Vow, he is to be absolved *de jure*, only he must pay — 15 04 00

And he shall be enjoined, in the Bull, to stand to his Vow in case he outlives his first Wife.

For the prolonging of the Term of Vows, to go to the Holy Sepulchre, or to Saint Peter's at Rome, provided there be a lawful Cause for it, yet a Dispensation will cost — 09 02 09

If the Dispensation be for two Years, it will be but — 04 00 01

For changing the Pilgrimage of the Sepulchre for another, you must pay — 12 03 06

Besides gratifying the Prelate, to change one Vow for another, will cost — 06 02 06

For getting a Privilege from fasting or a Permission to wear another Habit, rather than the Habit of the Order wherein one took his Vow and made his Profession, is — 06 02 06

If the Bull contains a great number, the first Man must pay a whole Tax, and every one of the rest a half.

But if they are not related, and all of one House, every Man must pay the whole Tax, *ut supra*.

But if it be for a Chapter, or Convent, or some great College; and that the changing of the Vow, shall be for a Perpetuity, they must pay — 100 00 00

Dispensations for changing the Hours of Prayers.

THE Knights of *Malta*, and such others, who would not be confined to any certain Time nor Hour, but to be left to their own Pleasure, their Dispensation will cost 10 03 06

A Reduction or changing of Divine Service for one that is defective in Sight, or has any other Impediment, is — 12 00 06

He that layeth aside the Custom of his own Order, and useth that of another, must pay for his Dispensation — — 09 02 06

If a Chapter or Convent would change their Liturgy, their Dispensation will cost 60 15 00

And if the Bull will authorize them to alter their Prayers, that is to say, to rehearse the last for the first, and the first for the last, the Dispensation will cost — 100 15 00

Dispensations for doing contrary to the New Testament.

THE ordinary Tax hereof is — 12 06 06

The removing of dead Corps from one place to another, or to transfer a Congregation, or the Mass, that is to say, into any Place, only that Place which was appointed for it, a Dispensation will cost — 60 00 00

Dispensations for the Reduction or Diminution of the Mass.

TO reduce or shorten a Mass when the Revenue is small, the Dispensation will cost — — — 04 03 06

And if the Inhibitory Clause be added, you must pay — — 08 06 00

If a Rector of any Benefice desires a Dispensation for abbreviating the Mass, and that he would have this Dispensation to be for him and his Successors, he may obtain his Request, but he shall pay — — 30 10 00

If it be a Chapter, College, or Corporation that desire such a Dispensation, they must pay — — 40 10 00

Dispensations

Dispensations for Confirmations.

THE Confirmation of a Statute for a Cathedral, will cost — 80 19 00

If it be for a College, it will cost but 60 15 03

The Confirmation of a League or Agreement made between two Persons of Quality, provided that their being in Amity, Peace, or Charity one with another, will be rather to the Advantage, than to the Disadvantage of the Church, and that their Agreement will be according to the Canons of the Law, will cost but — — 12 03 06

All Confirmations of the Alienations of Ecclesiastical Goods, are taxed at — 12 03 06

The Confirmation of a Statute concerning a certain Number of Ecclesiastical Benefices, will cost — — 40 10 00

A Confirmation for an Erection or Reserve of a Right of Patronage, will cost according to Value or Profit of the Patronage, at least — — 23 15 09

The Confirmation for a perpetual League or Alliance made by the Ordinary, for a Fact which the Law allows of, will cost but 50 00 00

Dispensations for Benefices and Rights for the Poor.

A Prescript to choose a Ternative that one would, or for to confirm unto a Poor Man the term of five Years, with the choice of Paymasters and Creditors, will cost 05 00 00

And if the Clause Derogatory be added from the Law, with Orders for Bankrupts and Brokers, in a certain Way and Form paying their Creditors, it will cost — 08 02 08

But if it be for a Clerk, and granted in a Chapter, it will be — — 05 01 06

And if the Bull contains an Absolution from Ecclesiastical Censures, it will cost	06	01	06
And if the Bull brings Dispensations for Irregularities, it will cost	90	02	09

Dispensations for Declarations.

ALL Declarations of Law, whether it be Matters of Religion, or Murder, or any other thing, are ordinarily taxed	06	02	06
But if it be in cases of Matrimony, it will cost	09	03	07

For Transumptis, videmus, & per inde valere.

IF any Priest having lost the Letters of his Orders, comes to the Bishop which ordained him before, then he must pay for the renewing his Letters and his Commission again, the Sum of	06	02	00
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For a Letter of Indictment for a Fact committed in the Time of Supplication, though it was no Hindrance to the Confessors of the Bull, neither occasioned the altering or changing the Rate which was set before upon the said Bull, will cost	06	02	00
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But if the Rate or Tax was changed, and that it exceeded Six Pound, you must pay the overplus

Licenses and Dispensations for Indulgencies.

A Licence for transferring a Parish Church, to a Monastery with all things thereunto belonging, will cost	24	06	06
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And if the Bull mentions a Profanation of the Place, where the said Church was first erected, it will be	40	00	00
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A Licence for Building a Font for the Christening of Children, is	24	06	00
For			

01 06	For building a College Church, or the changing a Parochial into a Collegial, is	100 00 00
02 09	To build a Parish Church, and therein to erect a Font, is licensed for	24 06 07
	A Licence for transferring a Church-yard, or a Sanctuary, unto any temporal use, will cost	12 03 00
02 06	And if this Alteration is made upon the Request of a whole Corporation or City, it will cost	48 12 06
03 07	A Licence to transfer, or remove Relicks from one Place to another, is	09 02 06
alcre.	A Licence for saying Mass in an execrated Chapel, is	12 03 00
	And if the Bull holds a Privilege for erecting a Parochial Church in that Place, it will cost	18 03 06
	A reserve of a Right of Patronage for one's self and Heirs, will cost	40 10 06
02 00	To build a Shop in the Alley or Entry of any Church, will cost	12 03 00
	A Licence for erecting a Fraternity and a Nunnery, together with a Permission for their being conversant one with another, and also Authority to confess one to another, and for keeping a neat Altar; and for receiving the Sacrament at their Pleasure	01 02 06
02 00	To change the Feast of St. <i>Didacus</i> otherwise than after the Manner and Order of that Rubrick <i>de Translationem officii</i> , will cost	12 13 06
ies.	A Licence for saying Mass in all Places, will cost	09 00 00
	For one Priest to say Mass twice a Day, may three times, if he be <i>in terrâ hæreticâ</i>	05 03 06
06 05	But if a College, Church, or Chapter, or a Corporation of Secular Priests together, desire this Privilege, it will cost them	100 18 00
0 00	A whole City being interdicted, yet the Mayor, Aldermen, and Burgesses of that City may have a Licence to hear Mass in their own Houses, and may also be buried in their own Chapels, paying for their Licence	100 06 00
6 00		
For		But

But if they will have an Altar *portabile*,
that is, a portable Altar, they must pay more 08 00 00

If the Bull be for the Husband and the
Wife, it will cost — — 09 00 00

And if it comprehends their Children, the
Tax will be — — 13 00 00

A Licence for saying two Masses before
Day, *in nisi fuerit, in terrâ hæreticâ*, or at
Christmas Day, when every Priest is bound
to say three Masses, will cost — 12 03 06

To publish the Pardons of the Cardinals
without Licence from the Ordinary, will cost 06 00 00

A Licence for saying the Canonical Hours,
in any other way or order than according to
the Constitution of the Diocess wherein one
is beneficed, will cost — — 06 02 06

And if it be for a Monk, it will cost 09 02 09

And if the Bull doth give him leave to say
his Prayers as he likes best, it shall cost 12 03 09

A Secular Priest that intends to dispose of
Goods to his Relations, and not to the Clergy,
he must pay for his Licence — 12 03 06

But if a Regular had a Design to leave
some of the Goods he hath in his Possession
unto his Friends, he must pay for his Licence 07 03 04

And if the Goods were acquired out of the
Goods of the Monastery, he cannot dispose
of them, *sine Licentiâ superioris*, and that can
hardly be gotten.

If a Bishop distributes all his Goods to his
Relations, he ought to hire his Licence, which
will cost — — 36 09 00

If an Abbot, or Superior of a Convent, he
is to pay — — 50 00 00

To change one's proper Name — 09 02 09

A Licence for reconsecrating a Church, or
Church-yard, is — — 12 03 06

A Licence for a Child of twelve Years to
hold a Canon's Place in a Cathedral, not-
withstanding all the Rules of the Chancery
contradicting such Things, yet he may obtain
his Licence for — — 12 03 03

And

00 00	And if he be thirteen Years old, he pays but — — —	06 00 00
00 00	For a Man to have a Licence to say Mass in <i>Greek</i> amongst the <i>Grecians</i> —	09 02 00
00 00	For having Authority to visit the Holy Sepulchre is — —	04 01 04
03 06	A Bishop that would exempt himself a whole Year from being consecrated, he must pay for his Licence — —	50 09 06
00 00	And if he would have it for seven Years, he may, paying only —	90 02 09
02 06	A Licence for saying Mass with the Head covered, shall cost — —	05 09 10
02 09	If a Bishop, or Abbot, desires such a Licence, he is to pay — —	24 06 00
03 09	A Dispensation for a Titular Bishop, for his <i>non Resident</i> , in his own Bishoprick, will cost — —	18 04 02
03 06	To hold two several Employs in the same Church, will cost — —	12 03 06
03 04	For a Titular Bishop that would exempt himself from taking a Journey to <i>St. Peter's</i> at <i>Rome</i> , by reason of the Distance of the Place, a Licence will cost —	24 05 00
	And if it be for ever —	52 12 06
09 00	A Dispensation for the Bastard of a Layman or Clergyman, that he may enjoy the Legacy or Gift, which his Father hath left, as far as the Value of two hundred Ducats, it will cost — —	12 03 06
00 00	And if he be the Son of a Monk, that hath Power to make a Will, he pays —	34 06 00
02 09	To preach on <i>Sundays</i> , and other Festival Days, for the Space of five Years, for the redeeming of poor Prisoners, the Licence will cost — —	12 03 06
03 06	For the Chapter of a Cathedral, to contribute some Monies for the Maintenance and Reparation of a Town, will cost —	24 06 00
3 03	A Dispensation for a temporal Lord, and his Family, to eat the Flesh of Beasts slain by <i>Saracens</i> , will cost —	30 09 06

A Woman of Honour accompanied with four Gentlewomen more, having a Desire to visit a Convent four times a Year, and then to stay for a considerable time, must pay for her Licence — — 12 03 06

A Father that will put his Daughter to be bred with *Nuns* in their Convent, must pay — — 10 03 06

A Licence for a married Man, for receiving the Habit of the third Order of *St. Francis*, that is to say, the Habit of Penance, will cost — — 12 03 06

A Licence for a Knight of *St. James*, that he may marry a Widow, contrary to the Order of his Knighthood — — 12 03 06

A Licence for a Friar, to hear the Confession of any other *Nuns* but those of his own Habit and Order, will cost — — 15 04 00

A Licence for an Abbess, and three or four of her *Nuns*, together with so many jocund Friars to go abroad in the Country, to see some Lands and Tenements belonging to the Mother Abbess, and there to recreate themselves for a Week or two, will cost — — 24 06 00

They may stay a little longer, provided they go always *binì & binì*, that is to say, two and two, and they are to have a great Care least they may give any bad Example, and if they do not live *Caste*, that is Chaste, at least let them live *Caute*, that is warily.

A Cordelier having acquired a parcel of Lands or a Sum of Money by his own Industry, may leave it to his Nephews or Relations, paying for his Licence, the Sum of — — 12 03 06

A Regular having a desire to wear Shirts, or to lay in Sheets, must pay for his Licence — — 12 03 06

A whole Convent of Friars having a desire to change from one Order to another, must pay for their Licence — — 40 10 00

But if the Order to which they alter be the more straight, they pay only — — 12 03 06

But if they change one Convent for another, with the Revenues and Utensils, and all

other

other Goods, the Prior or Guardian of each
Convent, must pay — — 06 00 00

A Licence to live in a Hermitage, will cost 12 03 06

An Apostate having renounced his Habit
and Order, and being again desirous to turn
to his former Profession, must pay for his
Transgressions — — 10 03 06

Lastly, If any Man have a desire to wear
the Habit of any Order privately, or under
his own Garment, he must pay for his Li-
cence, the Sum of — — 06 03 06

THE
P O S T S C R I P T.

AND now I hope I have made good that I promised, sufficiently discovering the Cheats of these Merchants of Souls; and therefore your Charity will give me leave to say with the Apostle, *bonum certamen certavi*, though I have not mentioned half the Abominations that are practised in this Kind, but I hope this is enough to prove, that Money, rather than true Repentance, is made the Ground of the Absolution of the most heinous Sins: But I hope God will give me more Leisure, and better Opportunities of detecting the Wickedness of this mystical *Babylon*, and then I engage never to be weary of the Design I have undertook, in declaring to the World the Enormities of that Church, whereof I was once a Member, and was (though ignorantly) as great a Deluder as any of them. But thanks be to God who hath opened the Eyes of my Understanding to discover the Light of his glorious Gospel, which I acknowledge as his infinite Mercy, and who hath enjoined me, being now converted, to strengthen my Brethren; and, therefore, I beseech you, as you love God, and tender the Salvation of your own Souls, to detest not only the Vices themselves, but the Manner of forgiving them, practised

tified in the Church of *ROME*. And beware of its Missionaries, who go about like Wolves in Sheep's cloathing, seeking whom they may devour; and have no other End, but to breed Confusions amongst us, to make us break the Bond of Union and Charity, in which we ought to be united, in one Lord *Jesus*; To whom, be all Honour, and Glory, *World without End*.

THE

ABSOLUTION.

I Have here set down for the better Confirmation and Justification of the Truth of this BOOK, the particular Form of Absolution, that these Missionaries do use to such Persons as do confess to them, and this is called *Absolutio gratialis*, and is most commonly used to Sick Persons.

After the Penitent has confessed his Sins, the Missionary begins his Absolution after this Manner:

Misereatur tui omnipotens Deus, & dimissis omnibus peccatis tuis, perducatur te ad vitam æternam. Amen.

Indulgentiam, Absolutionem, & Remissionem omnium peccatorum tuorum tribuat tibi omnipotens & misericors Dominus. Amen.

Deinde

Deinde Injungit pœnitentiam, sicut ipsi videbitur conveniens, & postea dicit,

Dominus noster Jesus Christus, te absolvat :
 & ego, *Authoritate ipsius quâ fungor, te absolvo, Imprimis ab omni Vinculo excommunicationis, majoris & minoris : (Si fuerit Clericus, dicet, suspensionis aut interdicti, si forte incurrit :) & deinde absolvo te ab omnibus peccatis tuis, & ab omnibus pœnis tibi in Purgatorio debitis pro peccatis & delictis, & restituo te unitati & participationi Ecclesiæ : & virtute [et] autoritate specialimihii nhâc parte Commissâ, restituo tibi illi Innocentiæ in quâ eras quando baptizatus fuisti; & si hâc vice non moriaris, reservo tibi hanc gratiam pro extremo mortis articulo, in nomine Patris & Filii, & Spiritûs sancti. Amen, Jesus.*

Passio Domini nostri Jesu Christi, & merita Beatæ Mariæ semper Virginis, & omnium sanctorum & sanctarum ut quicquid boni feceris, vel mali patienter sustinueris, sint tibi in Remissionem peccatorum, augmentum gratiæ, & præmium vitæ æternæ. Amen. Pax tecum.

THE

ABSOLUTION

THUS ENGLISHED.

OUR Lord *Jesus Christ* absolve thee: and by Virtue of the Authority that I hold, I do absolve thee; First, from all sorts of Excommunications, whether great or small: (If the Penitent be a Clerk, he must say; from all sorts of Suspensions and Interdicts, (if by chance he hath incurred any) Then I absolve thee from all thy Sins, and from all Sins and Torments due to thee in Purgatory for thy Sins and Transgressions; and I receive thee into the Union and Participation of the Church; and by Virtue of a special Authority to me committed, I restore thee into that Innocency in which thou hast been when thou wert baptized: And if thou die not at this Time, I reserve thee this Grace, to the Hour of thy Death, *In the Name of the Father*, &c. and by the Merits and Passion of our Lord and Saviour *Jesus Christ*, and the Merits of the ever blessed *Virgin Mary*, and of all the Saints and Virgins; that whatsoever Good thou hast done, and whatsoever Injuries thou patiently hast suffered, let them be unto thee a Remission of thy Sins, and an Augmentation to Grace, and a *Premium* of Life everlasting. *Amen.* Peace be with you.

N. B. *These Names of Missionaries and Pœnitentiaries are all one; the Distinction only is, that those Pœnitentiaries do reside in the Court of Rome, and the Missionaries are those which are dispersed through the World, notwithstanding they have the same Power and Authority to absolve, id est, a Casibus Reservatis; the Truth is, those do not directly accumulate, or gather these Sums, but they are to enlighten the Penance and Pilgrimage of the Penitents for paying these forementioned Taxes to their several Deputies, appointed in all Places to that Purpose.*

THE

AUTHOR'S TESTIMONY

FROM THE UNIVERSITY.

THESE are to certify All whom it may Concern, that Mr. *Anthony Egane*, Clerk, lately a *Franciscan* Friar in *Ireland*, but now of the *Reformed Religion*, hath for the Time of his Abode in the University of *Oxford*, behaved himself soberly, discreetly, and studiously, and thereby hath been a happy Means to reduce some Persons to the Church of *England*, who had been formerly perverted. *In Witness* whereof, I have hereunto put my Hand and Seal, in such Causes

Causas usual, this Twenty-ninth Day of *August*, in the
Year of our Lord, 1673.

P. Batb and Wells,
Vice-Chan. of Oxon.

Job. Wallis, Geo. Profes-
sor, Oxon.

Tbo. Yates, President of
Brazen Nose.

Ra. Bathurst, Principal of
Trinity College.

Ab. Campian, Proct.
Senior.

Idem Testor, Tbo. Barlow,
Coll. Reginae Præpositus.

Tho. Tullie Aulæ St. Ed-
mundi Principalis.

Copia Vera.

APPENDIX.

THUS you have seen (good Reader) some of the great and crying Abominations, practised not only with Impunity, but with Encouragement and Approbation in the Church of *ROME*. You have seen, likewise, the Author's Sobriety, Discretion, and Industry in promoting the Cause of Truth, asserted by such as had too great a Stock of Reputation of their own to venture on any thing less than the most full and well-grounded Conviction. So that there does not appear to be the least room to doubt the Truth of the Matter of Fact. How can it fail then to raise in the Minds of all unbiaſſed Readers, the utmost Detestation and Abhorrence, to see those Works of the Devil, which the Son of God came to destroy, dispensed-with for the sake of filthy Lucre? Is it possible they should commit the Custody of their Souls to such false Guides, as prefer worldly Interest to Religion, Mammon to God? Neither are these (though one would think enough to shock any Person of sober Thought and Reflection) the only Abuses of that Apostate Church: The whole System of its Principles (such I mean wherein it stands distinguished from the Doctrine of Protestants, and for which they separated from it) seems to be little else than a Complication of gross Abiurdities, and abominable Corruptions.

To

To descend a little to particulars, and that very briefly: That Church, whose Doctrines are destructive of the true End of Conversation, and the quiet of Families; that is fitted to disturb and undermine the Peace and Happiness of Princes and Communities; that robs God of his Glory, detracts from the All-sufficiency of our Saviour's Merits; that locks up from a great Part of its Members the Key of saving Knowledge; that is rigidly severe in uncommanded Instances, and scandalously loose in exacting the Precepts of the Gospel; that bids Defiance to Mens' Reason and Senses; that renders the strictest Preparation of its Communicants, to that which itself owns to be the most solemn Ordinance of Religion, possibly at least, fruitless and ineffectual, by that pernicious Doctrine of the Validity of Sacraments depending on the Intention of the Priest; that resists and vilifies the Authority of the Holy Scriptures, contradicts the Doctrines and Practices of the First and purest Ages of Christianity, forces its way (where it can) by the most cruel and sanguinary Methods; and after all, has left us without Hopes of a Reformation of its Errors, by arrogating to itself an Infallibility, though not agreed where to place it: That Church, I say, in which all these Corruptions are to be found (and they are all to be found in the *Roman Church*) is so far (whatever glorious Pretensions it may make) from being the Pillar and Ground of Truth, and the pure and undefiled Spouse of Jesus Christ, from which whatsoever is separated, is at the same Time separated from Christ himself; that on the contrary, Communion with it is extremely hazardous of Salvation. Can it be otherwise than extremely hazardous to communicate

with those who have superseded the Necessity of being Holy in all manner of Conversation; and of abstaining from all Appearance of Evil, by their Distinction of Sins into Mortal and Venial, that is (as themselves explain it) such as do, and such as do not, deserve eternal Damnation? When yet we are assured from Scripture, that *the Wages of every Sin is Death; That pure and undefiled Religion is to keep one's self unspotted from the World; That whatever Proficiency we have made in Virtue and Religion, we are not to reckon that we have already attained a sufficient Measure, but advance still onwards to Perfection. That we are commanded to love the Lord our God, with all our Heart, and Souls, and Strength; and our Neighbour as ourselves; to be Followers of God; and to be Perfect, even as our Father who is in Heaven is Perfect.* How must this loose Principle sour and poison Conversation, when even the strictest Bonds can scarce hinder Men from being troublesome and injurious to one another? What can be thought of their making the Sacrament of Penance joined with Contrition, sufficient for Salvation, but that they destroy the Necessity of Repentance, by substituting in it's stead, a cheap and easy Remedy? For what need a Man be at the Pains of mortifying his Passions and Appetites, and forsaking his Sins, since, though he commits them again, upon confessing them with Sorrow to the Priest, and receiving Absolution, he is made perfectly whole? Their Doctrine of Indulgencies, or the disposing of Pardons for Money, &c. is another gross and scandalous Abuse, that cannot fail of being very mischievous to Souls. I shall transcribe two Forms of them, which may be found
in

in the Hours of the Blessed Virgin, *Secundum usum Sarum*. The first is of Pope John XXII. for saying three Prayers, as follows :

Thys Three Prayers be written in the Chappelle of the Holy Crosse in Rome, otherwise called Sacellum Sanctæ Crucis Septem Romanorum, whoo that devoutly say them shall obtain 90,000 Years of Pardon for dedly Sins, graunted by our Holie Father Jo. 22. Pope of Rome.

The other is for St. Bernardine, of Siena, daily kneeling in the Worship of the Name of Jesus, thus :

Thys most devoutly Prayer said the Holy Father St. Bernardine, daily kneeling in the Worship of the most Holy Name Jesu. And yt is well to believe that thro' the Invocation of that most excellent Name of Jesu, S. Bernard. obtained a singular Reward of perpetual Consolation of our Lord Jesu Christ. And thys Prayer is written in a Table that hangeth at Rome, in S. Peter's Church, nere to the high Awter, there as our Holy Father the Pope duely is wonte to say the Office of the Masse. And hoo that devoutly with a contrite Heart daily say thys Oryson, yf he be that Day in the State of eternal Damnation, than thys eternal

*Payne shall be chaunged him in temporal
Payne of Purgatory, than yf he hath de-
served the Payne of Purgatory, yt shall be
forgotten and forgiven, thorow the infinite
Mercy of God.*

I think little need be said, to shew how this Doctrine of Indulgencies, joined with that of Purgatory (which is supposed to be a State of Punishment, from whence the Souls of the Dead may be delivered by the Prayers and Masses of the Living,) tends to destroy the great End of our Saviour's Undertaking, which was, *that he might redeem us from all Iniquity, and purify to himself a peculiar People, zealous of good Works.* What wonder is it that their Zeal should flag, who are persuaded, that, though their Repentance is not finished in this Life, it may in another, and themselves be finally accepted? As for this Doctrine of Purgatory, the Scripture is wholly silent about it: It speaks, indeed, of everlasting Happiness appointed for the Good, and everlasting Misery for the Wicked, but not one Word appears in it of this middle State. We are told there that *the Dead are blessed that die in the Lord, that they rest from their Labours, and their Works follow them.* We do not find, indeed, that any, whose Repentance is not finished as well as begun in this Life, can be said to die in the Lord, or be capable of that Blessedness. There we read as a powerful Motive to Perseverance and Constancy in good Works, that, *if our earthly House of this Tabernacle be dissolved, we have a Building with God, a House not made with Hands, eternal in the Heavens:*
And

And to free the Matter from the least Possibility of Doubt, it is ushered in with, We know. Again, the Penitent Thief was translated from the Cross, immediately to Paradise. In the Parable of the Rich Man and *Lazarus*, which seems plainly designed to acquaint us with the Happiness and Misery of Souls separated from their Bodies; we find that the one went to Hell, and the other to *Abraham's Bosom*, without the least mention of any middle State between them: And, elsewhere, we are told, that *we must, at the last Judgment, give an Account for the things done in the Body*: but no where, that we shall be accountable for things done in the Soul separate from the Body.

What shall we say of their Prayers in an unknown Tongue, of the Efficacy of Sacraments depending on the bare Administration, and their interdicting the People the sacred Scriptures?

Can Prayers be offered-up with that Devotion, deep Sense of their Wants and Dependence on God, that becomes poor indigent Creatures supplicating infinite Majesty, by those who know not what it is they pray, or rather, what the Priest says for them? Not to say how contrary this Practice is to the Holy Scriptures, and to the constant Usage of the Church of Christ for many Ages.

Nothing need be added to shew the pernicious Consequences of their Doctrine of the Efficacy of Sacraments, since it can hardly be, that any can be so ignorant as not to discover, that it takes-away the Necessity of Mens' preparing their Minds for them.

Their interdicting People the Use of the Bible, may well be reckoned as a Part of that worldly Wisdom,

dom, for which they are so deservedly remarkable; nothing being more an enemy to their Doctrines and Practices, than that Holy Book: But how they shall be able to answer to God and their own Consciences, for the Loss of those Souls which they were obliged to watch over, and to whom they denied the most fit and proper Means of Salvation, becomes them seriously to consider. One of the Holy Prophets, observing some in his Days, applying themselves to other Means of Knowledge, instead of the Scriptures, refers them to those Writings, saying, *To the Law, and to the Testimony: if they speak not according to this Word, it is because there is no Light in them.* Our Saviour commands to *search the Scriptures.* *St. Paul* congratulates the Happiness of *Timothy*, because *he had known the Scriptures from a Child*; which he adds, were able to make him wise unto Salvation. The *Bereans* have this great Encomium given them by an inspired Penman, that they were more noble than those of *Thessalonica*, because they searched the Scriptures daily, to see whether those things were so; that is, they did not take things upon Trust, but by an impartial comparing one Place of Scripture with another, discerned the Truths which *St. Paul* and *Silas* delivered to them. That the Scriptures were in the Hands of the People in the first Ages of Christianity, is plain from this one Instance, *viz.* that their Persecutors commanding them to deliver up their Bibles to be burnt, many of them chose rather to part with their Lives than their Bibles, and those that did not, were called *Traditores*, that is, Betrayers.

I forbear to instance, in their Doctrine of seven Sacraments, Cœlibacy of the Clergy, their Sprinkling

ling with Holy Water, Baptizing of Bells, Exorcisms, Pilgrimages, their rending their Flesh with Whips and Scourges, as if, instead of a Being of infinite Goodness, they were the Worshippers of some heathen Deity, or evil Dæmon, who delighted in the Misery of his Votaries; their placing too much of Religion in external Performances, and Abstinences, &c. That is, in little Trifles, and insignificant Nothings: Because I designed this for an Appendix, not a Treatise.

However, I shall venture to take up a little more of the Reader's Time, by saying something, (though very briefly) to these Particulars following, *viz.* Their Doctrine of Merit, Transubstantiation, the Sacrifice of the Mass, half Communion, Traditions, their Idolatry, Cruelty and Perfidiousness to those who dissent from them.

The first of these seems not to have the least Foundation, either in Scripture or Reason; for what Worth is there (I beseech you) in a few short-lived Services, made up of Imperfections? If it were possible for us to live here many Ages, and perform all that while a most exact Obedience to the Divine Laws, without so much as straying in a Thought; yet even then there would be an infinite Disproportion between our Actions and their Rewards: How much more when in this Life, short as it is, there are so many Defects in the very best of us? Our Saviour has sufficiently decided this Point, telling us, that, *when we have done all that is commanded us, we are unprofitable Servants, we have done no more than was our Duty to do.* I might, on this Head, have insisted on that Surplusage of Merits, which they pretend to be in the Treasury of

of the Church, and to Benefit not only the Persons meriting, but Multitudes besides: but I hope I need not tell you how derogatory this Opinion is to the All-sufficient Merits of Christ, who having purchased us at so dear a Rate, we may be sure will suffer no Sharers with him in that which is his sole Prerogative. I shall say no more of Merit, than that it makes a Man think too well of himself, and too meanly of God.

All that I shall say of Transubstantiation, or the substantial Change of the Bread and Wine, after the Words of Consecration pronounced by the Priest, into the Natural Body and Blood of Christ, is that it contradicts our Reason and Senses, overthrows the most substantial Evidence for the Truth of Christianity, is contrary to the Nature of a Sacrament, and to those very Scriptures, on which they pretend to found it; whether we respect the 6th of *John*, or the Words of Institution, which are the principal Places cited by them to support their Opinion: In the former of which we find, that *whosoever eateth Christ's Flesh, and drinketh his Blood, hath eternal Life*; with more to the same Purpose. Now if every one who eats Christ's Flesh, and drinks his Blood, hath eternal Life, then it is certain, that the Wicked do not eat his Flesh, and drink his Blood; which nothing hinders but they might do, if the Words of Consecration, pronounced by a Priest, produced such a wonderful Change, as they pretend. In the Words of Institution, the one is no otherwise called his Body, than as given [in the present Tense] or, as *St. Paul* has explained it, broken, that is, delivered up to the Death, nor the other his Blood, but as shed; which could not be literally true
in

in the Institution, nor now; therefore its Truth must be in Mystery and spiritual Effects.

The Sacrifice of the Mass seems plainly to overthrow the Efficacy of Christ's Sacrifice; for if by that one Sacrifice we are delivered from the Power of the Devil, and instated in a Capacity of everlasting Happiness, what can any New Sacrifice do more? Add to this, that we are told in the Epistle to the *Hebrews*, that where a Sacrifice is perfect, (which all must grant the Sacrifice of Christ to be) it needs not be repeated, nor, by Parity of Reason, to have any other substituted in its Room: Nay, that Divine Author uses such an Argument, as equally excludes both. Thus it runs: *because that the Worshippers once Purged should have had no more Conscience of Sins.* Mark, if the Worshippers were once purged, they should have had no more Conscience of Sins, or Guilt, consequently no need of any other Sacrifice. In the same Chapter we read, that we are Sanctified through the Offering of the Body of *Jesus Christ* once for all. That *this Man, after he had offered one Sacrifice for Sins, for ever sat down on the Right-hand of God.* That *by one offering he hath perfected for ever them that are sanctified.* That *if we Sin wilfully after we have received the Knowledge of the Truth, there remaineth no more Sacrifice for Sin.* What then becomes of their Mass being a Propitiatory Sacrifice for Quick and Dead? It is plain (to speak in the softest Terms) it is all a meer Cozenage and imposture.

That our Saviour gave the Sacrament in both Kinds to his Disciples, cannot be denied. That he commanded them to bless, or consecrate, and distribute both, can (I think) with as little Colour be denied.

nied. That the *Corinthians*, to whom *St. Paul* wrote, did so, is equally plain. That it was generally given so for about a thousand Years after *Christ*, is acknowledged by our Adversaries. And what Power they have of taking-away one Part more than another, or both, no good Reason can be assigned. I am sure *St. Paul* speaks of the Continuance of both till our Lord's coming.

As to Traditions, if they will be content with such as contradict no Rule or Canon of Scripture, though they should happen to over-value them, we will not vehemently contend with them about them; but when they set-up such Things for Apostolical Traditions, as contradict manifest Scriptures, which both they and we allow to be written by Divine Inspiration, we cannot forbear shewing the utmost Abhorrence of them.

Their Idolatry is so manifest, that the bare exposing it to view seems a sufficient Confutation of it. If to make any Being, the object of our Trust and Confidence, it is necessarily that he should know all our Wants, and be able to relieve them, which we are sure that a Being of all possible Perfection can, but not sure concerning any other; what must be thought of their Prayers to Saints, Angels, and the Blessed Virgin; nay their Worship of Images and Relics?

As to their treacherous and perfidious Principles, we need but have recourse to the Councils of *Lateran* and *Constance*; the former of which authorized Princes to exterminate such as they called Hereticks, and the Deposing of Princes for Heresy; the latter the breaking Faith with Hereticks. Their cruel and barbarous Treatment of those who dissented from them, has been

been sufficiently experienced by us of these Nations, *France, Hungary, Bobemia*, the Vallies of *Piedmont*, the *Neiberlands*; and indeed where not, where they had sufficient Power to exert their Tyranny?

What then remains, but that as we value our own private Happiness, that of the Community whereof we are Members, the Favour of God, and the Salvation of our Souls, we would shun those Principles and Practices which are destructive of all these Interests; and thankfully receiving the invaluable Blessing of the Reformation, never suffer ourselves to be any more entangled with that intolerable Yoke of ROMISH BONDAGE, from which we are so happily delivered?

FINIS.